

## **CHAPTER 33-10-07.1**

### **MEDICAL USE OF RADIOACTIVE MATERIAL**

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**33-10-07.1-01. Purpose and scope.** This chapter contains the requirements and provisions for the medical use of radioactive material and for issuance of specific licenses authorizing the medical use of this material. These requirements and provisions provide for the radiation safety of workers, the general public, patients, and human research subjects. The requirements and provisions of this chapter are in addition to, and not in substitution for, others in article 33-10. The requirements and provisions of chapters 33-10-01, 33-10-03, 33-10-04.1,

33-10-10, 33-10-11, and 33-10-13 apply to applicants and licensees subject to this chapter unless specifically exempted.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-02. Definitions.**

1. "Address of use" means the building or buildings that are identified on the license and where radioactive material may be received, prepared, used, or stored.
2. "Area of use" means a portion of an address of use that has been set aside for the purpose of receiving, preparing, using, or storing radioactive material.
3. "Authorized medical physicist" means an individual who:
  - a. Meets the requirements in subsection 1 of section 33-10-07.1-21 (training for an authorized medical physicist) and section 33-10-07.1-24 (recentness of training); or
  - b. Is identified as an authorized medical physicist or teletherapy physicist on:
    - (1) A specific medical use license issued by the United States nuclear regulatory commission or an agreement state or a licensing state;
    - (2) A medical use permit issued by a United States nuclear regulatory commission master material licensee;
    - (3) A permit issued by a United States nuclear regulatory commission or agreement state or licensing state broad scope medical use licensee; or
    - (4) A permit issued by a United States nuclear regulatory commission master material license broad scope medical use permittee.
4. "Authorized nuclear pharmacist" means a pharmacist who:
  - a. Meets the requirements in subsection 1 of section 33-10-07.1-22 (training for an authorized nuclear pharmacist) and section 33-10-07.1-24 (recentness of training);
  - b. Is identified as an authorized nuclear pharmacist on:

- (1) A specific license issued by the United States nuclear regulatory commission or an agreement state or a licensing state that authorizes medical use or the practice of nuclear pharmacy;
  - (2) A permit issued by a United States nuclear regulatory commission master material licensee that authorizes medical use or the practice of nuclear pharmacy;
  - (3) A permit issued by a United States nuclear regulatory commission or agreement state or licensing state broad scope medical use licensee that authorizes medical use or the practice of nuclear pharmacy; or
  - (4) A permit issued by a United States nuclear regulatory commission master material license broad scope medical use permittee that authorizes medical use or the practice of nuclear pharmacy;
- c. Is identified as an authorized nuclear pharmacist by a commercial nuclear pharmacy that has been authorized to identify authorized nuclear pharmacists; or
  - d. Is designated as an authorized nuclear pharmacist in accordance with subparagraph d of paragraph 2 of subdivision i of subsection 5 of section 33-10-03-05 or 10 CFR 32.72(b)(4).
5. "Authorized user" means a physician, dentist, or podiatrist who:
- a. Meets the requirements in section 33-10-07.1-24 (recentness of training) and subsection 1 of section 33-10-07.1-36 (training for uptake, dilution, and excretion studies), subsection 1 of section 33-10-07.1-40 (training for imaging and localization studies), subsection 1 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), subsection 1 of section 33-10-07.1-45 (training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to one thousand two hundred twenty megabecquerels [33 millicuries]), subsection 1 of section 33-10-07.1-46 (training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than one thousand two hundred twenty megabecquerels [33 millicuries]), subsection 1 of section 33-10-07.1-55 (training for use of manual brachytherapy sources), subsection 1 of section 33-10-07.1-58 (training for use of sealed sources for diagnosis), or subsection 1 of section 33-10-07.1-75 (training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units); or
  - b. Is identified as an authorized user on:

- (1) A United States nuclear regulatory commission or agreement state or licensing state license that authorizes the medical use of radioactive material;
  - (2) A permit issued by a United States nuclear regulatory commission master material licensee that is authorized to permit the medical use of radioactive material;
  - (3) A permit issued by a United States nuclear regulatory commission or agreement state or licensing state specific licensee of broad scope that is authorized to permit the medical use of radioactive material; or
  - (4) A permit issued by a United States nuclear regulatory commission master material license broad scope permittee that is authorized to permit the medical use of radioactive material.
6. "Brachytherapy" means a method of radiation therapy in which sources are used to deliver a radiation dose at a distance of up to a few centimeters by surface, intracavitary, intraluminal, or interstitial application.
7. "Brachytherapy source" means a radioactive source or a manufacturer-assembled source train or a combination of these sources that is designed to deliver a therapeutic dose within a distance of a few centimeters.
8. "Client's address" means the area of use or a temporary jobsite for the purpose of providing mobile medical service in accordance with section 33-10-07.1-33 (provision of mobile medical service).
9. "Dedicated check source" means a radioactive source that is used to assure the constant operation of a radiation detection or measurement device over several months or years.
10. "Dentist" means an individual licensed by a state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico to practice dentistry.
11. "High dose-rate remote afterloader", as used in this chapter, means a brachytherapy device that remotely delivers a dose rate in excess of twelve gray [1200 rads] per hour at the point or surface where the dose is prescribed.
12. "Low dose-rate remote afterloader", as used in this chapter, means a brachytherapy device that remotely delivers a dose rate of less than or equal to two gray [200 rads] per hour at the point or surface where the dose is prescribed.

13. "Management" means the chief executive officer or other individual having the authority to manage, direct, or administer the licensee's activities, or those persons' delegate or delegates.
14. "Manual brachytherapy", as used in this chapter, means a type of brachytherapy in which the brachytherapy sources (e.g., seeds, ribbons) are manually placed topically on or inserted either into the body cavities that are in close proximity to a treatment site or directly into the tissue volume.
15. "Medical event" means an event that meets the criteria in subsection 1 of section 33-10-07.1-119 (report and notification of a medical event).
16. "Medical institution" means an organization in which more than one medical discipline is practiced.
17. "Medical use" means the intentional internal or external administration of radioactive material or the radiation from radioactive material to patients or human research subjects under the supervision of an authorized user.
18. "Medium dose-rate remote afterloader", as used in this chapter, means a brachytherapy device that remotely delivers a dose rate of greater than two gray [200 rads], but less than twelve gray [1200 rads] per hour at the point or surface where the dose is prescribed.
19. "Mobile medical service" means the transportation of radioactive material to and its medical use at the client's address.
20. "Output" means the exposure rate, dose rate, or a quantity related in a known manner to these rates from a brachytherapy source or a teletherapy, remote afterloader, or gamma stereotactic radiosurgery unit for a specified set of exposure conditions.
21. "Patient intervention" means actions by the patient or human research subject, whether intentional or unintentional, such as dislodging or removing treatment devices or prematurely terminating the administration.
22. "Pharmacist" means an individual licensed by a state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico to practice pharmacy.
23. "Physician" means a medical doctor or doctor of osteopathy licensed by a state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico to prescribe drugs in the practice of medicine.



- 24. "Podiatrist" means an individual licensed by a state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico to practice podiatry.
- 25. "Preceptor" means an individual who provides or directs the training and experience required for an individual to become an authorized user, an authorized medical physicist, an authorized nuclear pharmacist, or a radiation safety officer.
- 26. "Prescribed dosage" means the specified activity or range of activity of unsealed radioactive material as documented:
  - a. In a written directive; or
  - b. In accordance with the directions of the authorized user for procedures performed pursuant to section 33-10-07.1-35 (use of unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required) and section 33-10-07.1-37 (use of unsealed radioactive material for imaging and localization studies for which a written directive is not required).
- 27. "Prescribed dose" means:
  - a. For gamma stereotactic radiosurgery, the total dose as documented in the written directive;
  - b. For teletherapy, the total dose and dose per fraction as documented in the written directive;
  - c. For manual brachytherapy, either the total source strength and exposure time or the total dose, as documented in the written directive; or
  - d. For remote brachytherapy afterloaders, the total dose and dose per fraction as documented in the written directive.
- 28. "Pulsed dose-rate remote afterloader", as used in this chapter, means a special type of remote afterloading brachytherapy device that uses a single source capable of delivering dose rates in the "high dose-rate" range, but:
  - a. Is approximately one-tenth of the activity of typical high dose-rate remote afterloader sources; and
  - b. Is used to simulate the radiobiology of a low dose-rate treatment by inserting the source for a given fraction of each hour.
- 29. "Radiation safety officer" means an individual who:

- a. Meets the requirements in subsection 1 of section 33-10-07.1-20 (training for radiation safety officer) and section 33-10-07.1-24 (recentness of training); or
- b. Is identified as a radiation safety officer on:
  - (1) A specific medical use license issued by the United States nuclear regulatory commission or an agreement state or a licensing state; or
  - (2) A medical use permit issued by a United States nuclear regulatory commission master material licensee.
- 30. "Sealed source and device registry" means the national registry that contains all the registration certificates, generated by the United States nuclear regulatory commission and the agreement states and the licensing states, that summarize the radiation safety information for the sealed sources and devices and describe the licensing and use conditions approved for the product.
- 31. "Stereotactic radiosurgery" means the use of external radiation in conjunction with a stereotactic guidance device to very precisely deliver a therapeutic dose to a tissue volume.
- 32. "Structured educational program" means an educational program designed to impart particular knowledge and practical education through interrelated studies and supervised training.
- 33. "Teletherapy", as used in this chapter, means a method of radiation therapy in which collimated gamma rays are delivered at a distance from the patient or human research subject.
- 34. "Temporary jobsite" means a location where mobile medical services are conducted other than those locations of use authorized on the license.
- 35. "Therapeutic dosage" means a dosage of unsealed radioactive material that is intended to deliver a radiation dose to a patient or human research subject for palliative or curative treatment.
- 36. "Therapeutic dose" means a radiation dose delivered from a source containing radioactive material to a patient or human research subject for palliative or curative treatment.
- 37. "Treatment site" means the anatomical description of the tissue intended to receive a radiation dose, as described in a written directive.
- 38. "Type of use" means use of radioactive material under section 33-10-07.1-35 (use of unsealed radioactive material for uptake,

dilution, and excretion studies for which a written directive is not required), 33-10-07.1-37 (use of unsealed radioactive material for imaging and localization studies for which a written directive is not required), 33-10-07.1-41 (use of unsealed radioactive material for which a written directive is required), 33-10-07.1-47 (use of sources for manual brachytherapy), 33-10-07.1-57 (use of sealed sources for diagnosis), 33-10-07.1-59 (use of a sealed source in a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit), or 33-10-07.1-89 (other medical uses of radioactive material or radiation from radioactive material).

39. "Unit dosage" means a dosage prepared for medical use for administration as a single dosage to a patient or human research subject without any further manipulation of the dosage after it is initially prepared.
40. "Written directive" means an authorized user's written order for the administration of radioactive material or radiation from radioactive material to a specific patient or human research subject, as specified in section 33-10-07.1-17 (written directives).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-03. Maintenance of records.** Each record required by this chapter must be legible throughout the specified retention period. The record may be the original, a reproduced copy, or a microform if the copy or microform is authenticated by authorized personnel and the microform is capable of producing a clear copy throughout the required retention period. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, and specifications must include all pertinent information such as stamps, initials, and signatures. The licensee shall maintain adequate safeguards against tampering with and loss of records.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-04. Provisions for the protection of human research subjects.**

1. A licensee may conduct research involving human research subjects only if it uses the radioactive materials specified on its license for the uses authorized on its license.

2. If the research is conducted, funded, supported, or regulated by another federal agency that has implemented the federal policy for the protection of human subjects, the licensee shall, before conducting research:
  - a. Obtain review and approval of the research from an "institutional review board", as defined and described in the federal policy for the protection of human subjects; and
  - b. Obtain "informed consent", as defined and described in the federal policy for the protection of human subjects, from the human research subject.
3. If the research will not be conducted, funded, supported, or regulated by another federal agency that has implemented the federal policy for the protection of human subjects, the licensee shall, before conducting research, apply for and receive a specific amendment to its medical use license from the department. The amendment request must include a written commitment that the licensee will, before conducting research:
  - a. Obtain review and approval of the research from an "institutional review board", as defined and described in the federal policy for the protection of human subjects; and
  - b. Obtain "informed consent", as defined and described in the federal policy for the protection of human subjects, from the human research subject.
4. Nothing in this section relieves licensees from complying with the other requirements in this chapter.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-05. Food and drug administration, other federal, and state requirements.** Nothing in this chapter relieves the licensee from complying with applicable United States food and drug administration, other federal, and state requirements governing radioactive drugs or devices.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

#### **33-10-07.1-06. Implementation.**

1. A licensee shall implement the provisions in this chapter on or before September 1, 2003, with the exception of the requirements listed in subsection 2.

2. A licensee shall implement the training requirements in subsection 1 of section 33-10-07.1-20 (training for radiation safety officer), subsection 1 of section 33-10-07.1-21 (training for an authorized medical physicist), subsection 1 of section 33-10-07.1-22 (training for an authorized nuclear pharmacist), section 33-10-07.1-24 (recentness of training), subsection 1 of section 33-10-07.1-36 (training for uptake, dilution, and excretion studies), subsection 1 of section 33-10-07.1-40 (training for imaging and localization studies), subsection 1 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), subsection 1 of section 33-10-07.1-45 (training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to one thousand two hundred twenty megabecquerels [33 millicuries]), subsection 1 of section 33-10-07.1-46 (training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than one thousand two hundred twenty megabecquerels [33 millicuries]), subsection 1 of section 33-10-07.1-55 (training for use of manual brachytherapy sources), subsection 1 of section 33-10-07.1-58 (training for use of sealed sources for diagnosis), and subsection 1 of section 33-10-07.1-75 (training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units) on or before October 25, 2004.
3. Prior to October 25, 2004, a licensee shall satisfy the training requirements of this chapter for a radiation safety officer, an authorized medical physicist, an authorized nuclear pharmacist, or an authorized user by complying with either:
  - a. The appropriate training requirements in sections 33-10-07.1-76 through 33-10-07.1-88; or
  - b. The appropriate training requirements in sections 33-10-07.1-14 through 33-10-07.1-24 or sections 33-10-07.1-35 through 33-10-07.1-75.
4. If a license condition exempted a licensee from a provision of this chapter on September 1, 2003, then the license condition continues to exempt the licensee from the requirements in the corresponding provision of this chapter.
5. When a requirement in this chapter differs from the requirement in an existing license condition, the requirement in this chapter shall govern.
6. A licensee shall continue to comply with any license condition that requires it to implement procedures required by sections 33-10-07.1-62 (safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units), 33-10-07.1-68 (periodic spot checks for teletherapy units), 33-10-07.1-69 (periodic spot checks for remote afterloader

units), and 33-10-07.1-70 (periodic spot checks for gamma stereotactic radiosurgery units) until there is a license amendment or renewal that modifies the license condition.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-07. License required.**

1. A person may manufacture, produce, acquire, receive, possess, prepare, use, or transfer radioactive material for medical use only in accordance with a specific license issued by the United States nuclear regulatory commission or an agreement state or a licensing state, or as allowed in subsection 2.
2. A specific license is not needed for an individual who:
  - a. Receives, possesses, uses, or transfers radioactive material in accordance with article 33-10 (radiological health rules) under the supervision of an authorized user as provided in section 33-10-07.1-16 (supervision), unless prohibited by license condition; or
  - b. Prepares unsealed radioactive material for medical use in accordance with article 33-10 (radiological health rules) under the supervision of an authorized nuclear pharmacist or authorized user as provided in section 33-10-07.1-16 (supervision), unless prohibited by license condition.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-08. Application for license, amendment, or renewal.**

1. An application must be signed by the applicant's or licensee's management.
2. An application for a license for medical use of radioactive material as described in sections 33-10-07.1-35 (use of unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required), 33-10-07.1-37 (use of unsealed radioactive material for imaging and localization studies for which a written directive is not required), 33-10-07.1-41 (use of unsealed radioactive material for which a written directive is required), 33-10-07.1-47 (use of sources for manual brachytherapy), 33-10-07.1-57 (use of sealed sources for diagnosis), 33-10-07.1-59 (use of a sealed source in a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery

unit), and 33-10-07.1-89 (other medical uses of radioactive material or radiation from radioactive material) must be made by:

- a. Filing an application for medical use of radioactive material that includes the facility diagram, equipment, and training and experience qualifications of each radiation safety officer, authorized user, authorized medical physicist, and authorized nuclear pharmacist; and
  - b. Submitting procedures required by sections 33-10-07.1-62 (safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units), 33-10-07.1-68 (periodic spot checks for teletherapy units), 33-10-07.1-69 (periodic spot checks for remote afterloader units), and 33-10-07.1-70 (periodic spot checks for gamma stereotactic radiosurgery units), as applicable.
3. A request for a license amendment or renewal must be made by:
- a. Submitting either an application for medical use of radioactive material or a letter requesting the amendment or renewal; and
  - b. Submitting procedures required by sections 33-10-07.1-62 (safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units), 33-10-07.1-68 (periodic spot checks for teletherapy units), 33-10-07.1-69 (periodic spot checks for remote afterloader units), and 33-10-07.1-70 (periodic spot checks for gamma stereotactic radiosurgery units), as applicable.
4. In addition to the requirements in subsections 2 and 3, an application for a license or amendment for medical use of radioactive material as described in section 33-10-07.1-89 (other medical uses of radioactive material or radiation from radioactive material) must also include information regarding any radiation safety aspects of the medical use of the material that is not addressed in sections 33-10-07.1-01 through 33-10-07.1-34.
- a. The applicant shall also provide specific information on:
    - (1) Radiation safety precautions and instructions;
    - (2) Methodology for measurement of dosages or doses to be administered to patients or human research subjects; and
    - (3) Calibration, maintenance, and repair of instruments and equipment necessary for radiation safety.

- b. The applicant or licensee shall also provide any other information requested by the department in its review of the application.
5. An applicant that satisfies the requirements specified in subdivision b of subsection 4 (special requirements for specific licenses of broad scope) of section 33-10-03-05 may apply for a type A specific license of broad scope.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-09. License amendments.** A licensee shall apply for and must receive a license amendment:

1. Before it receives, prepares, or uses radioactive material for a type of use that is permitted under this chapter, but that is not authorized on the licensee's current license issued under this chapter;
2. Before it permits anyone to work as an authorized user, authorized nuclear pharmacist, or authorized medical physicist under the license, except:
  - a. For an authorized user, an individual who meets the requirements in section 33-10-07.1-24 (recentness of training) and subsection 1 of section 33-10-07.1-36 (training for uptake, dilution, and excretion studies), subsection 1 of section 33-10-07.1-40 (training for imaging and localization studies), subsection 1 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), subsection 1 of section 33-10-07.1-45 (training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to one thousand two hundred twenty megabecquerels [33 millicuries]), subsection 1 of section 33-10-07.1-46 (training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than one thousand two hundred twenty megabecquerels [33 millicuries]), subsection 1 of section 33-10-07.1-55 (training for use of manual brachytherapy sources), subsection 1 of section 33-10-07.1-58 (training for use of sealed sources for diagnosis), subsection 1 of section 33-10-07.1-75 (training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units), section 33-10-07.1-77 (training for uptake, dilution, and excretion studies), section 33-10-07.1-78 (training for imaging and localization studies), section 33-10-07.1-79 (training for therapeutic use of unsealed radioactive material), section 33-10-07.1-80 (training for treatment of hyperthyroidism), section 33-10-07.1-81 (training for treatment of thyroid carcinoma), section 33-10-07.1-82 (training for use of brachytherapy sources), section 33-10-07.1-83 (training for



ophthalmic use of strontium-90), section 33-10-07.1-84 (training for use of sealed sources for diagnosis), or section 33-10-07.1-85 (training for use of therapeutic medical devices);

- b. For an authorized nuclear pharmacist, an individual who meets the requirements in subsection 1 of section 33-10-07.1-22 (training for an authorized nuclear pharmacist) or section 33-10-07.1-87 (training for an authorized nuclear pharmacist) and section 33-10-07.1-24 (recentness of training);
- c. For an authorized medical physicist, an individual who meets the requirements in subsection 1 of section 33-10-07.1-21 (training for an authorized medical physicist) or section 33-10-07.1-86 (training for an authorized medical physicist) and section 33-10-07.1-24 (recentness of training); and
- d. An individual who is identified as an authorized user, an authorized nuclear pharmacist, or authorized medical physicist:
  - (1) On a United States nuclear regulatory commission or agreement state or licensing state license or other equivalent permit or license recognized by the department that authorizes the use of radioactive material in medical use or in the practice of nuclear pharmacy;
  - (2) On a permit issued by a United States nuclear regulatory commission or agreement state or licensing state specific license of broad scope that is authorized to permit the use of radioactive material in medical use or in the practice of nuclear pharmacy;
  - (3) On a permit issued by a United States nuclear regulatory commission master material licensee that is authorized to permit the use of radioactive material in medical use or in the practice of nuclear pharmacy; or
  - (4) By a commercial nuclear pharmacy that has been authorized to identify authorized nuclear pharmacists;
- 3. Before it changes radiation safety officers, except as provided in subsection 3 of section 33-10-07.1-14 (authority and responsibilities for the radiation protection program);
- 4. Before it receives radioactive material in excess of the amount or in a different form, or receives a different radionuclide than is authorized on the license;
- 5. Before it adds to or changes the areas of use identified in the application or on the license, except for areas of use where radioactive material

is used only in accordance with either section 33-10-07.1-35 (use of unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required) or section 33-10-07.1-37 (use of unsealed radioactive material for imaging and localization studies for which a written directive is not required);

6. Before it changes an address of use identified in the application or on the license; and
7. Before it revises procedures required by sections 33-10-07.1-62 (safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units), 33-10-07.1-68 (periodic spot checks for teletherapy units), 33-10-07.1-69 (periodic spot checks for remote afterloader units), and 33-10-07.1-70 (periodic spot checks for gamma stereotactic radiosurgery units), as applicable, if such revision reduces radiation safety.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-10. Notifications.**

1. A licensee shall provide the department a copy of the board certification, the United States nuclear regulatory commission or agreement state or licensing state license, the permit issued by a United States nuclear regulatory commission master material licensee, the permit issued by a United States nuclear regulatory commission or agreement state or licensing state licensee of broad scope, or the permit issued by a United States nuclear regulatory commission master material license broad scope permittee for each individual no later than thirty days after the date that the licensee permits the individual to work as an authorized user, an authorized nuclear pharmacist, or an authorized medical physicist, under subsection 2 of section 33-10-07.1-09 (license amendments).
2. A licensee shall notify the department by letter no later than thirty days after:
  - a. An authorized user, an authorized nuclear pharmacist, a radiation safety officer, or an authorized medical physicist permanently discontinues performance of duties under the license or has a name change;
  - b. The licensee's mailing address changes;
  - c. The licensee's name changes, but the name change does not constitute a transfer of control of the license as described in

subdivision b of subsection 7 (specific terms and conditions of licenses) of section 33-10-03-05; or

- d. The licensee has added to or changed the areas of use identified in the application or on the license where radioactive material is used in accordance with either section 33-10-07.1-35 (use of unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required) or section 33-10-07.1-37 (use of unsealed radioactive material for imaging and localization studies for which a written directive is not required).
3. The licensee shall mail the documents required in this section to the department at the address identified in section 33-10-01-13 (communications).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-11. Exemptions regarding type A specific licenses of broad scope.** A licensee possessing a type A specific license of broad scope for medical use, issued under subsection 4 (special requirements for specific licenses of broad scope) of section 33-10-03-05, is exempt from:

1. The provisions of subsection 4 of section 33-10-07.1-08 (application for license, amendment, or renewal) regarding the need to file an amendment to the license for medical use of radioactive material, as described in section 33-10-07.1-89 (other medical uses of radioactive material or radiation from radioactive material);
2. The provisions of subsection 2 of section 33-10-07.1-09 (license amendments);
3. The provisions of subsection 5 of section 33-10-07.1-09 (license amendments) regarding additions to or changes in the areas of use at the addresses identified in the application or on the license;
4. The provisions of subsection 1 of section 33-10-07.1-10 (notifications);
5. The provisions of subdivision a of subsection 2 of section 33-10-07.1-10 (notifications) for an authorized user, an authorized nuclear pharmacist, or an authorized medical physicist;
6. The provisions of subdivision d of subsection 2 of section 33-10-07.1-10 (notifications) regarding additions to or changes in the areas of use identified in the application or on the license where radioactive material is used in accordance with either section 33-10-07.1-35 (use of unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required) or section 33-10-07.1-37

(use of unsealed radioactive material for imaging and localization studies for which a written directive is not required); and

7. The provisions of subsection 1 of section 33-10-07.1-19 (suppliers for sealed sources or devices for medical use).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-12. License issuance.**

1. The department shall issue a license for the medical use of radioactive material if:
  - a. The applicant has filed an application for medical use of radioactive material in accordance with the instructions in section 33-10-07.1-08 (application for license, amendment, or renewal);
  - b. The applicant has paid any applicable fee as provided in chapter 33-10-11 (fees for issuance of license and registration certificates and inspections);
  - c. The department finds the applicant equipped and committed to observe the safety standards established by the department in article 33-10 (radiological health rules) for the protection of the public health and safety; and
  - d. The applicant meets the requirements of chapter 33-10-03 (licensing of radioactive material).
2. The department shall issue a license for mobile medical service if the applicant:
  - a. Meets the requirements in subsection 1; and
  - b. Assures that individuals or human research subjects to whom unsealed radioactive material or radiation from implants containing radioactive material will be administered may be released following treatment in accordance with section 33-10-07.1-32 (release of individuals containing unsealed radioactive material or implants containing radioactive material).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-13. Specific exemptions.** The department may, upon application of any interested person or upon its own initiative, grant exemptions

from the rules in this chapter that it determines are authorized by law, will not endanger life or property or the common defense and security and are otherwise in the public interest.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-14. Authority and responsibilities for the radiation protection program.**

1. In addition to the radiation protection program requirements of section 33-10-04.1-05 (radiation protection programs), a licensee's management shall approve in writing:
  - a. Requests for a license application, renewal, or amendment before submittal to the department;
  - b. Any individual before allowing that individual to work as an authorized user, authorized nuclear pharmacist, or authorized medical physicist; and
  - c. Radiation protection program changes that do not require a license amendment and are permitted under section 33-10-07.1-15 (radiation protection program changes).
2. A licensee's management shall appoint a radiation safety officer, who agrees in writing, to be responsible for implementing the radiation protection program. The licensee, through the radiation safety officer, shall ensure that radiation safety activities are being performed in accordance with licensee-approved procedures and regulatory requirements.
3. For up to sixty days each year, a licensee may permit an authorized user or an individual qualified to be a radiation safety officer, under sections 33-10-07.1-20 (training for radiation safety officer) and 33-10-07.1-24 (recentness of training), to function as a temporary radiation safety officer and to perform the functions of a radiation safety officer, as provided in subsection 7, if the licensee takes the actions required in subsections 2, 5, 7, and 8 and notifies the department in accordance with subsection 2 of section 33-10-07.1-10 (notifications).
4. A licensee may simultaneously appoint more than one temporary radiation safety officer in accordance with subsection 3, if needed to ensure that the licensee has a temporary radiation safety officer that satisfies the requirements to be a radiation safety officer for each of the different types of uses of radioactive material permitted by the license.

5. A licensee shall establish the authority, duties, and responsibilities of the radiation safety officer in writing.
6. Licensees that are authorized for two or more different types of uses of radioactive material under sections 33-10-07.1-41 through 33-10-07.1-56 and sections 33-10-07.1-59 through 33-10-07.1-75, or two or more types of units under sections 33-10-07.1-59 through 33-10-07.1-75, shall establish a radiation safety committee to oversee all uses of radioactive material permitted by the license. The radiation safety committee must include an authorized user of each type of use permitted by the license, the radiation safety officer, a representative of the nursing service, and a representative of management who is neither an authorized user nor a radiation safety officer. The radiation safety committee may include other members the licensee considers appropriate.
7. A licensee shall provide the radiation safety officer sufficient authority, organizational freedom, time, resources, and management prerogative, to:
  - a. Identify radiation safety problems;
  - b. Initiate, recommend, or provide corrective actions;
  - c. Stop unsafe operations; and
  - d. Verify implementation of corrective actions.
8. A licensee shall retain a record of actions taken under subsections 1, 2, and 5 in accordance with section 33-10-07.1-90 (records of authority and responsibilities for radiation protection programs).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

#### **33-10-07.1-15. Radiation protection program changes.**

1. A licensee may revise its radiation protection program without department approval if:
  - a. The revision does not require a license amendment under section 33-10-07.1-09 (license amendments);
  - b. The revision is in compliance with article 33-10 (radiological health rules) and the license;

- c. The revision has been reviewed and approved by the radiation safety officer and licensee management; and
  - d. The affected individuals are instructed on the revised program before the changes are implemented.
- 2. A licensee shall retain a record of each change in accordance with section 33-10-07.1-91 (records of radiation protection program changes).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-16. Supervision.**

- 1. A licensee that permits the receipt, possession, use, or transfer of radioactive material by an individual under the supervision of an authorized user, as allowed by subdivision a of subsection 2 of section 33-10-07.1-07 (license required), shall:
  - a. In addition to the requirements in subsection 2 (instructions to workers) of section 33-10-10-02, instruct the supervised individual in the licensee's written radiation protection procedures, written directive procedures, rules in article 33-10 (radiological health rules), and license conditions with respect to the use of radioactive material; and
  - b. Require the supervised individual to follow the instructions of the supervising authorized user for medical uses of radioactive material, written radiation protection procedures established by the licensee, written directive procedures, rules in article 33-10 (radiological health rules), and license conditions with respect to the medical use of radioactive material.
- 2. A licensee that permits the preparation of radioactive material for medical use by an individual under the supervision of an authorized nuclear pharmacist or physician who is an authorized user, as allowed by subdivision b of subsection 2 of section 33-10-07.1-07 (license required), shall:
  - a. In addition to the requirements in subsection 2 (instructions to workers) of section 33-10-10-02, instruct the supervised individual in the preparation of radioactive material for medical use, as appropriate to that individual's involvement with radioactive material; and
  - b. Require the supervised individual to follow the instructions of the supervising authorized user or authorized nuclear pharmacist

regarding the preparation of radioactive material for medical use, written radiation protection procedures established by the licensee, the rules in article 33-10 (radiological health rules), and license conditions.

3. A licensee that permits supervised activities under subsections 1 and 2 is responsible for the acts and omissions of the supervised individual.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-17. Written directives.**

1. A written directive must be dated and signed by an authorized user before the administration of sodium iodide I-131 greater than one thousand one hundred ten kilobecquerels [30 microcuries], any therapeutic dosage of unsealed radioactive material or any therapeutic dose of radiation from radioactive material.

If, because of the emergent nature of the patient's condition, a delay in order to provide a written directive would jeopardize the patient's health, an oral directive is acceptable. The information contained in the oral directive must be documented as soon as possible in writing in the patient's record. A written directive must be prepared within forty-eight hours of the oral directive.

2. The written directive must contain the patient or human research subject's name and the following information:
  - a. For any administration of quantities greater than one thousand one hundred ten kilobecquerels [30 microcuries] of sodium iodide I-131: the dosage;
  - b. For an administration of a therapeutic dosage of unsealed radioactive material other than sodium iodide I-131: the radioactive drug, dosage, and route of administration;
  - c. For gamma stereotactic radiosurgery: the total dose, treatment site, and values for the target coordinate settings per treatment for each anatomically distinct treatment site;
  - d. For teletherapy: the total dose, dose per fraction, number of fractions, and treatment site;
  - e. For high dose-rate remote afterloading brachytherapy: the radionuclide, treatment site, dose per fraction, number of fractions, and total dose; or



- f. For all other brachytherapy, including low, medium, and pulsed dose rate remote afterloaders:
  - (1) Before implantation: treatment site, the radionuclide, and dose; and
  - (2) After implantation but before completion of the procedure: the radionuclide, treatment site, number of sources, and total source strength and exposure time (or the total dose).
- 3. A written revision to an existing written directive may be made if the revision is dated and signed by an authorized user before the administration of the dosage of unsealed radioactive material, the brachytherapy dose, the gamma stereotactic radiosurgery dose, the teletherapy dose, or the next fractional dose.

If, because of the patient's condition, a delay in order to provide a written revision to an existing written directive would jeopardize the patient's health, an oral revision to an existing written directive is acceptable. The oral revision must be documented as soon as possible in the patient's record. A revised written directive must be signed by the authorized user within forty-eight hours of the oral revision.

- 4. The licensee shall retain a copy of the written directive in accordance with section 33-10-07.1-92 (records of written directives).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-18. Procedures for administrations requiring a written directive.**

- 1. For any administration requiring a written directive, the licensee shall develop, implement, and maintain written procedures to provide high confidence that:
  - a. The patient's or human research subject's identity is verified before each administration; and
  - b. Each administration is in accordance with the written directive.
- 2. At a minimum, the procedures required by subsection 1 must address the following items that are applicable to the licensee's use of radioactive material:
  - a. Verifying the identity of the patient or human research subject;

- b. Verifying that the administration is in accordance with the treatment plan, if applicable, and the written directive;
  - c. Checking both manual and computer-generated dose calculations; and
  - d. Verifying that any computer-generated dose calculations are correctly transferred into the consoles of therapeutic medical units authorized by section 33-10-07.1-59 (use of a sealed source in a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit).
3. A licensee shall retain a copy of the procedures required under subsection 1 in accordance with section 33-10-07.1-93 (records for procedures for administrations requiring a written directive).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-19. Suppliers for sealed sources or devices for medical use.**

For medical use, a licensee may only use:

1. Sealed sources or devices manufactured, labeled, packaged, and distributed in accordance with a license issued under chapter 33-10-03 (licensing of radioactive material) and subdivision j (manufacture and distribution of sources or devices containing radioactive material for medical use) of subsection 5 of section 33-10-03-05 or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state;
2. Sealed sources or devices noncommercially transferred from a licensee under this chapter; or
3. Teletherapy sources manufactured and distributed in accordance with a license issued under chapter 33-10-03 (licensing of radioactive material) or the equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-20. Training for radiation safety officer.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require an individual fulfilling the responsibilities of the radiation safety officer as provided in section 33-10-07.1-14 (authority and responsibilities for the radiation protection program) to be an individual who:

1. Is certified by a specialty board whose certification process includes all of the requirements in subsection 2 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state;
2. a. Has completed a structured educational program consisting of both:
  - (1) Two hundred hours of didactic training in the following areas:
    - (a) Radiation physics and instrumentation;
    - (b) Radiation protection;
    - (c) Mathematics pertaining to the use and measurement of radioactivity;
    - (d) Radiation biology; and
    - (e) Radiation dosimetry; and
  - (2) One year of full-time radiation safety experience under the supervision of the individual identified as the radiation safety officer on a United States nuclear regulatory commission or agreement state or licensing state license or permit issued by a United States nuclear regulatory commission master material licensee that authorizes similar type of use of radioactive material involving the following:
    - (a) Shipping, receiving, and performing related radiation surveys;
    - (b) Using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and instruments used to measure radionuclides;
    - (c) Securing and controlling radioactive material;
    - (d) Using administrative controls to avoid mistakes in the administration of radioactive material;
    - (e) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures;
    - (f) Using emergency procedures to control radioactive material; and

- (g) Disposing of radioactive material; and
- b. Has obtained written certification, signed by a preceptor radiation safety officer, that the individual has satisfactorily completed the structured educational program requirements in subdivision a of subsection 2 and has achieved a level of radiation safety knowledge sufficient to function independently as a radiation safety officer for a medical use licensee; or
- 3. Is an authorized user, authorized medical physicist, or authorized nuclear pharmacist identified on the licensee's license and has experience with the radiation safety aspects of similar types of use of radioactive material for which the individual has radiation safety officer responsibilities.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-21. Training for an authorized medical physicist.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized medical physicist to be an individual who:

- 1. Is certified by a specialty board whose certification process includes all of the training and experience requirements in subsection 2 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state; or
- 2. a. Holds a master's or doctor's degree in physics, biophysics, radiological physics, medical physics, or health physics and has completed one year of full-time training in therapeutic radiological physics and an additional year of full-time work experience under the supervision of an individual who meets the requirements for an authorized medical physicist at a medical institution that includes the tasks listed in sections 33-10-07.1-29 (requirements for possession of sealed sources and brachytherapy sources), 33-10-07.1-53 (decay of strontium-90 sources for ophthalmic treatments), 33-10-07.1-65 (full calibration measurements on teletherapy units), 33-10-07.1-66 (full calibration measurements on remote afterloader units), 33-10-07.1-67 (full calibration measurements on gamma stereotactic radiosurgery units), 33-10-07.1-68 (periodic spot checks for teletherapy units), 33-10-07.1-69 (periodic spot checks for remote afterloader units), 33-10-07.1-70 (periodic spot checks for gamma stereotactic radiosurgery units), and 33-10-07.1-72 (radiation surveys), as applicable; and

- b. Has obtained written certification that the individual has satisfactorily completed the requirements in subdivision a of subsection 2 and has achieved a level of competency sufficient to function independently as an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status. The written certification must be signed by a preceptor authorized medical physicist who meets the requirements in section 33-10-07.1-21 (training for an authorized medical physicist) or equivalent United States nuclear regulatory commission or agreement state or licensing state requirements for an authorized medical physicist for each type of therapeutic medical unit for which the individual is requesting authorized medical physicist status.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-22. Training for an authorized nuclear pharmacist.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized nuclear pharmacist to be a pharmacist who:

1. Is certified as a nuclear pharmacist by a specialty board whose certification process includes all of the requirements in subsection 2 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state; or
2. a. Has completed seven hundred hours in a structured educational program consisting of both:
  - (1) Didactic training in the following areas:
    - (a) Radiation physics and instrumentation;
    - (b) Radiation protection;
    - (c) Mathematics pertaining to the use and measurement of radioactivity;
    - (d) Chemistry of radioactive material for medical use; and
    - (e) Radiation biology; and
  - (2) Supervised practical experience in a nuclear pharmacy involving:

- (a) Shipping, receiving, and performing related radiation surveys;
  - (b) Using and performing checks for proper operation of instruments used to determine the activity of dosages, survey meters, and, if appropriate, instruments used to measure alpha-emitting or beta-emitting radionuclides;
  - (c) Calculating, assaying, and safely preparing dosages for patients or human research subjects;
  - (d) Using administrative controls to avoid medical events in the administration of radioactive material; and
  - (e) Using procedures to prevent or minimize radioactive contamination and using proper decontamination procedures; and
- b. Has obtained written certification, signed by a preceptor authorized nuclear pharmacist, that the individual has satisfactorily completed the requirements in subdivision a of subsection 2 and has achieved a level of competency sufficient to function independently as an authorized nuclear pharmacist.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-23. Training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist.**

1. An individual identified as a radiation safety officer, a teletherapy or medical physicist, or a nuclear pharmacist on a United States nuclear regulatory commission or agreement state or licensing state license or a permit issued by a United States nuclear regulatory commission or agreement state or licensing state broad scope licensee or master material license permit or by a master material license permittee of broad scope before September 1, 2003, need not comply with the training requirements of section 33-10-07.1-20 (training for radiation safety officer), 33-10-07.1-21 (training for an authorized medical physicist), or 33-10-07.1-22 (training for an authorized nuclear pharmacist), respectively.
2. Physicians, dentists, or podiatrists identified as authorized users for the medical use of radioactive material on a license issued by the United States nuclear regulatory commission or an agreement state or a licensing state, a permit issued by a United States nuclear regulatory commission master material licensee, a permit issued by a United States nuclear regulatory commission or agreement state or licensing

state broad scope licensee, or a permit issued by a United States nuclear regulatory commission master material license broad scope permittee before September 1, 2003, who perform only those medical uses for which they were authorized on that date need not comply with the training requirements in sections 33-10-07.1-35 through 33-10-07.1-75.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-24. Recentness of training.** The training and experience specified in this chapter must have been obtained within the seven years preceding the date of application or the individual must have had related continuing education and experience since the required training and experience was completed.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-25. Possession, use, and calibration of instruments used to measure the activity of unsealed radioactive material.**

1. For direct measurements performed in accordance with section 33-10-07.1-27 (determination of dosages of unsealed radioactive material for medical use), a licensee shall possess and use instrumentation to measure the activity of unsealed radioactive material before it is administered to each patient or human research subject.
2. A licensee shall calibrate the instrumentation required in subsection 1 in accordance with nationally recognized standards or the manufacturer's instructions.
3. A licensee shall retain a record of each instrument calibration required by this section in accordance with section 33-10-07.1-94 (records of calibrations of instruments used to measure the activity of unsealed radioactive material).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-26. Calibration of survey instruments.**

1. A licensee shall calibrate the survey instruments used to show compliance with this chapter and chapter 33-10-04.1 (standards for protection against radiation) before first use, annually, and following a repair that affects the calibration. A licensee shall:

- a. Calibrate all scales with readings up to ten millisieverts [1000 millirems] per hour with a radiation source;
  - b. Calibrate two separated readings on each scale or decade that will be used to show compliance; and
  - c. Conspicuously note on the instrument the date of calibration.
2. A licensee may not use survey instruments if the difference between the indicated exposure rate and the calculated exposure rate is more than twenty percent.
3. A licensee shall retain a record of each survey instrument calibration in accordance with section 33-10-07.1-95 (records of radiation survey instrument calibrations).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-27. Determination of dosages of unsealed radioactive material for medical use.**

1. A licensee shall determine and record the activity of each dosage before medical use.
2. For a unit dosage, this determination must be made by:
  - a. Direct measurement of radioactivity; or
  - b. A decay correction, based on the activity or activity concentration determined by:
    - (1) A manufacturer or preparer licensed under subdivision i (manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing radioactive material for medical use under chapter 33-10-07.1) of subsection 5 of section 33-10-03-05 or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state; or
    - (2) A United States nuclear regulatory commission or agreement state or licensing state licensee for use in research in accordance with a radioactive drug research committee-approved protocol or an investigational new drug protocol accepted by the United States food and drug administration.
3. For other than unit dosages, this determination must be made by:



- a. Direct measurement of radioactivity;
  - b. Combination of measurement of radioactivity and mathematical calculations; or
  - c. Combination of volumetric measurements and mathematical calculations, based on the measurement made by a manufacturer or preparer licensed under subdivision i (manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing radioactive material for medical use under chapter 33-10-07.1) of subsection 5 of section 33-10-03-05 or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state.
4. Unless otherwise directed by the authorized user, a licensee may not use a dosage if the dosage does not fall within the prescribed dosage range or if the dosage differs from the prescribed dosage by more than twenty percent.
  5. A licensee shall retain a record of the dosage determination required by this section in accordance with section 33-10-07.1-96 (records of dosages of unsealed radioactive material for medical use).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-28. Authorization for calibration, transmission, and reference sources.** Any person authorized by section 33-10-07.1-07 (license required) for medical use of radioactive material may receive, possess, and use any of the following radioactive material for check, calibration, transmission, and reference use:

1. Sealed sources, not exceeding one thousand one hundred ten megabecquerels [30 millicuries] each, manufactured and distributed by a person licensed under subdivision j (manufacture and distribution of sources or devices containing radioactive material for medical use) of subsection 5 of section 33-10-03-05 or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state.
2. Sealed sources, not exceeding one thousand one hundred ten megabecquerels [30 millicuries] each, redistributed by a licensee authorized to redistribute the sealed sources manufactured and distributed by a person licensed under subdivision j (manufacture and distribution of sources or devices containing radioactive material for medical use) of subsection 5 of section 33-10-03-05, providing the redistributed sealed sources are in the original packaging and shielding and are accompanied by the manufacturer's approved instructions.

3. Any radioactive material with a half-life not longer than one hundred twenty days in individual amounts not to exceed five hundred sixty megabecquerels [15 millicuries].
4. Any radioactive material with a half-life longer than one hundred twenty days in individual amounts not to exceed the smaller of seven thousand four hundred kilobecquerels [200 microcuries] or one thousand times the quantities in schedule F (criteria related to financial assurance and decommissioning) of chapter 33-10-03.
5. Technetium-99m in amounts as needed.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-29. Requirements for possession of sealed sources and brachytherapy sources.**

1. A licensee in possession of any sealed source or brachytherapy source shall follow the radiation safety and handling instructions supplied by the manufacturer.
2. A licensee in possession of a sealed source shall:
  - a. Test the source for leakage before its first use unless the licensee has a certificate from the supplier indicating that the source was tested within six months before transfer to the licensee; and
  - b. Test the source for leakage at intervals not to exceed six months or at other intervals approved by the United States nuclear regulatory commission or an agreement state or a licensing state in the sealed source and device registry.
3. To satisfy the leak test requirements of this section, the licensee shall measure the sample so that the leak test can detect the presence of one hundred eighty-five becquerels [.005 microcurie] of radioactive material in the sample.
4. A licensee shall retain leak test records in accordance with subsection 1 of section 33-10-07.1-97 (records of leak tests and inventory of sealed sources and brachytherapy sources).
5. If the leak test reveals the presence of one hundred eighty-five becquerels [.005 microcurie] or more of removable contamination, the licensee shall:
  - a. Immediately withdraw the sealed source from use and store, dispose, or cause it to be repaired in accordance with the

requirements in chapters 33-10-03 (licensing of radioactive material) and 33-10-04.1 (standards for protection against radiation); and

- b. File a report within five days of the leak test in accordance with section 33-10-07.1-121 (report of a leaking source).
6. A licensee need not perform a leak test on the following sources:
- a. Sources containing only radioactive material with a half-life of less than thirty days;
  - b. Sources containing only radioactive material as a gas;
  - c. Sources containing three thousand seven hundred kilobecquerels [100 microcuries] or less of beta-emitting or gamma-emitting material or three hundred seventy kilobecquerels [10 microcuries] or less of alpha-emitting material;
  - d. Seeds of iridium-192 encased in nylon ribbon; and
  - e. Sources stored and not being used. However, the licensee shall test each such source for leakage before any use or transfer unless it has been leak tested within six months before the date of use or transfer.
7. A licensee in possession of sealed sources or brachytherapy sources, except for gamma stereotactic radiosurgery sources, shall conduct a semiannual physical inventory of all such sources in its possession. The licensee shall retain each inventory record in accordance with subsection 2 of section 33-10-07.1-97 (records of leak tests and inventory of sealed sources and brachytherapy sources).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-30. Labeling of vials and syringes.** Each syringe and vial that contains unsealed radioactive material must be labeled to identify the radioactive drug. Each syringe shield and vial shield must also be labeled unless the label on the syringe or vial is visible when shielded.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-31. Surveys of ambient radiation exposure rate.**

1. In addition to the surveys required by chapter 33-10-04.1 (standards for protection against radiation), a licensee shall survey with a radiation detection survey instrument at the end of each day of use. A licensee shall survey all areas where unsealed radioactive material requiring a written directive was prepared for use or administered.
2. A licensee does not need to perform the surveys required by subsection 1 in an area where patients or human research subjects are confined when they cannot be released under section 33-10-07.1-32 (release of individuals containing unsealed radioactive material or implants containing radioactive material).
3. A licensee shall retain a record of each survey in accordance with section 33-10-07.1-98 (records of surveys for ambient radiation exposure rate).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-32. Release of individuals containing unsealed radioactive material or implants containing radioactive material.**

1. A licensee may authorize the release from its control of any individual who has been administered unsealed radioactive material or implants containing radioactive material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed five millisieverts [500 millirems]. (United States nuclear regulatory commission publication NUREG-1556, volume 9, "Consolidated Guidance About Material Licenses: Program-Specific Guidance About Medical Use Licenses" describes methods for calculating doses to other individuals and contains tables of activities not likely to cause doses exceeding five millisieverts [500 millirems].)
2. A licensee shall provide the released individual, or the individual's parent or guardian, with instructions, including written instructions, on actions recommended to maintain doses to other individuals as low as is reasonably achievable if the total effective dose equivalent to any other individual is likely to exceed one millisievert [100 millirems]. If the total effective dose equivalent to a nursing infant or child could exceed one millisievert [100 millirems] assuming there were no interruption of breast-feeding, the instructions must also include:
  - a. Guidance on the interruption or discontinuation of breast-feeding; and

- b. Information on the potential consequences, if any, of failure to follow the guidance.
3. A licensee shall maintain a record of the basis for authorizing the release of an individual in accordance with subsection 1 of section 33-10-07.1-99 (records of the release of individuals containing unsealed radioactive material or implants containing radioactive material).
4. The licensee shall maintain a record of instructions provided to a breast-feeding female in accordance with subsection 2 of section 33-10-07.1-99 (records of the release of individuals containing unsealed radioactive material or implants containing radioactive material).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-33. Provision of mobile medical service.**

1. A licensee providing mobile medical service shall:
  - a. Obtain a letter signed by the management of each client for which services are rendered that permits the use of radioactive material at the client's address and clearly delineates the authority and responsibility of the licensee and the client;
  - b. Check instruments used to measure the activity of unsealed radioactive material for proper function before medical use at each client's address or on each day of use, whichever is more frequent. At a minimum, the check for proper function must include a constancy check;
  - c. Check survey instruments for proper operation with a dedicated check source before use at each client's address; and
  - d. Before leaving a client's address, survey all areas of use to ensure compliance with the requirements in chapter 33-10-04.1 (standards for protection against radiation).
2. A mobile medical service may not have radioactive material delivered from the manufacturer or the distributor to the client unless the client has a license allowing possession of the radioactive material. Radioactive material delivered to the client must be received and handled in conformance with the client's license.
3. A licensee providing mobile medical services shall retain the letter required in subdivision a of subsection 1 and the record of each

survey required in subdivision d of subsection 1 in accordance with subsections 1 and 2 of section 33-10-07.1-100 (records of mobile medical services), respectively.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-34. Decay-in-storage.**

1. A licensee may hold radioactive material with a physical half-life of less than one hundred twenty days for decay-in-storage before disposal without regard to its radioactivity if it:
  - a. Monitors radioactive material at the surface before disposal and determines that its radioactivity cannot be distinguished from the background radiation level with an appropriate radiation detection survey meter set on its most sensitive scale and with no interposed shielding; and
  - b. Removes or obliterates all radiation labels, except for radiation labels on materials that are within containers and that will be managed as biomedical waste after they have been released from the licensee.
2. A licensee shall retain a record of each disposal permitted under subsection 1 in accordance with section 33-10-07.1-101 (records of decay-in-storage).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-35. Use of unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required.**

Except for quantities that require a written directive under subsection 2 of section 33-10-07.1-17 (written directives), a licensee may use any unsealed radioactive material prepared for medical use for uptake, dilution, or excretion studies that is:

1. Obtained from a manufacturer or preparer licensed under subdivision i (manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing radioactive material for medical use under chapter 33-10-07.1) of subsection 5 of section 33-10-03-05 or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state;
2. Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in section 33-10-07.1-40 (training for imaging and localization studies)

or 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), or an individual under the supervision of either as specified in section 33-10-07.1-16 (supervision);

3. Obtained from and prepared by a United States nuclear regulatory commission or agreement state or licensing state licensee for use in research in accordance with a radioactive drug research committee-approved protocol or an investigational new drug protocol accepted by the United States food and drug administration; or
4. Prepared by the licensee for use in research in accordance with a radioactive drug research committee-approved application or an investigational new drug protocol accepted by the United States food and drug administration.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-36. Training for uptake, dilution, and excretion studies.**

Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require an authorized user of unsealed radioactive material for the uses authorized under section 33-10-07.1-35 (use of unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required) to be a physician who:

1. Is certified by a medical specialty board whose certification process includes all of the requirements in subsection 3 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state;
2. Is an authorized user under section 33-10-07.1-40 (training for imaging and localization studies) or 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required) or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state; or
3. a. Has completed sixty hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for uptake, dilution, and excretion studies. The training and experience must include:
  - (1) Classroom and laboratory training in the following areas:
    - (a) Radiation physics and instrumentation;
    - (b) Radiation protection;

- (c) Mathematics pertaining to the use and measurement of radioactivity;
  - (d) Chemistry of radioactive material for medical use; and
  - (e) Radiation biology; and
- (2) Work experience, under the supervision of an authorized user who meets the requirements in section 33-10-07.1-36 (training for uptake, dilution, and excretion studies), section 33-10-07.1-40 (training for imaging and localization studies), or section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required) or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state, involving:
  - (a) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
  - (b) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
  - (c) Calculating, measuring, and safely preparing patient or human research subject dosages;
  - (d) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
  - (e) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
  - (f) Administering dosages of radioactive drugs to patients or human research subjects; and
- b. Has obtained written certification, signed by a preceptor authorized user who meets the requirements in section 33-10-07.1-36 (training for uptake, dilution, and excretion studies), section 33-10-07.1-40 (training for imaging and localization studies), or section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required) or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state, that the individual has satisfactorily completed the requirements in subdivision a and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under



section 33-10-07.1-35 (use of unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-37. Use of unsealed radioactive material for imaging and localization studies for which a written directive is not required.** Except for quantities that require a written directive under subsection 2 of section 33-10-07.1-17 (written directives), a licensee may use any unsealed radioactive material prepared for medical use for imaging and localization studies that is:

1. Obtained from a manufacturer or preparer licensed under subdivision i (manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing radioactive material for medical use under chapter 33-10-07.1) of subsection 5 of section 33-10-03-05 or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state;
2. Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in section 33-10-07.1-40 (training for imaging and localization studies) or 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), or an individual under the supervision of either as specified in section 33-10-07.1-16 (supervision);
3. Obtained from and prepared by a United States nuclear regulatory commission or agreement state or licensing state licensee for use in research in accordance with a radioactive drug research committee-approved protocol or an investigational new drug protocol accepted by the United States food and drug administration; or
4. Prepared by the licensee for use in research in accordance with a radioactive drug research committee-approved application or an investigational new drug protocol accepted by the United States food and drug administration.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-38. Permissible molybdenum-99 concentrations.**

1. A licensee may not administer to humans a radiopharmaceutical that contains more than one hundred fifty becquerels of molybdenum-99 per

megabecquerel of technetium-99m [.15 microcurie of molybdenum-99 per millicurie of technetium-99m].

2. A licensee that uses molybdenum-99/technetium-99m generators for preparing a technetium-99m radiopharmaceutical shall measure the molybdenum-99 concentration of the first eluate after receipt of a generator to demonstrate compliance with subsection 1.
3. If a licensee is required to measure the molybdenum-99 concentration, the licensee shall retain a record of each measurement in accordance with section 33-10-07.1-102 (records of molybdenum-99 concentrations).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

#### **33-10-07.1-39. Permissible aluminum ion concentrations.**

1. A licensee may not administer to humans a radiopharmaceutical that contains more than ten micrograms of aluminum per milliliter of technetium-99m.
2. A licensee that uses molybdenum-99/technetium-99m generators for preparing a technetium-99m radiopharmaceutical shall measure the aluminum ion concentration of the first eluate after receipt of a generator to demonstrate compliance with subsection 1.
3. If a licensee is required to measure the aluminum ion concentration, the licensee shall retain a record of each measurement in accordance with section 33-10-07.1-103 (records of aluminum ion concentrations).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-40. Training for imaging and localization studies.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require an authorized user of unsealed radioactive material for the uses authorized under section 33-10-07.1-37 (use of unsealed radioactive material for imaging and localization studies for which a written directive is not required) to be a physician who:

1. Is certified by a medical specialty board whose certification process includes all of the requirements in subsection 3 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state;

2. Is an authorized user under section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required) or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state; or
3. a. Has completed seven hundred hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material for imaging and localization studies. The training and experience must include, at a minimum:
  - (1) Classroom and laboratory training in the following areas:
    - (a) Radiation physics and instrumentation;
    - (b) Radiation protection;
    - (c) Mathematics pertaining to the use and measurement of radioactivity;
    - (d) Chemistry of radioactive material for medical use; and
    - (e) Radiation biology; and
  - (2) Work experience, under the supervision of an authorized user, who meets the requirements in this section or section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required) or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state, involving:
    - (a) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
    - (b) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;
    - (c) Calculating, measuring, and safely preparing patient or human research subject dosages;
    - (d) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
    - (e) Using procedures to safely contain spilled radioactive material and using proper decontamination procedures;

- (f) Administering dosages of radioactive drugs to patients or human research subjects; and
  - (g) Eluting generator systems appropriate for preparation of radioactive drugs for imaging and localization studies, measuring and testing the eluate for radionuclidic purity, and processing the eluate with reagent kits to prepare labeled radioactive drugs; and
- b. Has obtained written certification, signed by a preceptor authorized user who meets the requirements in this section or section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required) or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state, that the individual has satisfactorily completed the requirements in subdivision a of subsection 3 and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under sections 33-10-07.1-35 (use of unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required) and 33-10-07.1-37 (use of unsealed radioactive material for imaging and localization studies for which a written directive is not required).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-41. Use of unsealed radioactive material for which a written directive is required.** A licensee may use any unsealed radioactive material prepared for medical use and for which a written directive is required that is:

1. Obtained from a manufacturer or preparer licensed under subdivision i (manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing radioactive material for medical use under chapter 33-10-07.1) of subsection 5 of section 33-10-03-05 or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state;
2. Prepared by an authorized nuclear pharmacist, a physician who is an authorized user and who meets the requirements specified in section 33-10-07.1-40 (training for imaging and localization studies) or 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), or an individual under the supervision of either as specified in section 33-10-07.1-16 (supervision);
3. Obtained from and prepared by a United States nuclear regulatory commission or agreement state or licensing state licensee for use

in research in accordance with an investigational new drug protocol accepted by the United States food and drug administration; or

4. Prepared by the licensee for use in research in accordance with an investigational new drug protocol accepted by the United States food and drug administration.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-42. Safety instruction for the use of unsealed radioactive material for which a written directive is required.** In addition to the requirements of subsection 2 (instructions to workers) of section 33-10-10-02:

1. A licensee shall provide radiation safety instruction, initially and at least annually, to personnel caring for patients or human research subjects who cannot be released under section 33-10-07.1-32 (release of individuals containing unsealed radioactive material or implants containing radioactive material). To satisfy this requirement, the instruction must be commensurate with the duties of the personnel and include:
  - a. Patient or human research subject control;
  - b. Visitor control, including:
    - (1) Routine visitation to hospitalized individuals in accordance with paragraph 1 of subdivision a of subsection 1 of section 33-10-04.1-07 (radiation dose limits for individual members of the public); and
    - (2) Visitation authorized in accordance with subdivision c of subsection 1 of section 33-10-04.1-07 (radiation dose limits for individual members of the public);
  - c. Contamination control;
  - d. Waste control; and
  - e. Notification of the radiation safety officer, or that person's designee, and the authorized user if the patient or the human research subject has a medical emergency or dies.

2. A licensee shall retain a record of individuals receiving instruction in accordance with section 33-10-07.1-104 (records of safety instruction).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-43. Safety precautions for the use of unsealed radioactive material for which a written directive is required.**

1. For each patient or human research subject who cannot be released under section 33-10-07.1-32 (release of individuals containing unsealed radioactive material or implants containing radioactive material), a licensee shall:
  - a. Quarter the patient or the human research subject either in:
    - (1) A private room with a private sanitary facility; or
    - (2) A room, with a private sanitary facility, with another individual who also has received therapy with unsealed radioactive material and who also cannot be released under section 33-10-07.1-32 (release of individuals containing unsealed radioactive material or implants containing radioactive material);
  - b. Visibly post the patient's or the human research subject's room with a "radioactive materials" sign;
  - c. Note on the door or in the patient's or human research subject's chart where and how long visitors may stay in the patient's or the human research subject's room; and
  - d. Either monitor material and items removed from the patient's or the human research subject's room to determine that their radioactivity cannot be distinguished from the natural background radiation level with a radiation detection survey instrument set on its most sensitive scale and with no interposed shielding, or handle the material and items as radioactive waste.
2. A licensee shall notify the radiation safety officer, or that person's designee, and the authorized user as soon as possible if the patient or human research subject has a medical emergency or dies.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-44. Training for use of unsealed radioactive material for which a written directive is required.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require an authorized user of unsealed radioactive material for the uses authorized under section 33-10-07.1-41 (use of unsealed radioactive material for which a written directive is required) to be a physician who:

1. Is certified by a medical specialty board whose certification process includes all of the requirements in subsection 2 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state; or
2. a. Has completed seven hundred hours of training and experience in basic radionuclide handling techniques applicable to the medical use of unsealed radioactive material requiring a written directive. The training and experience must include:
  - (1) Classroom and laboratory training in the following areas:
    - (a) Radiation physics and instrumentation;
    - (b) Radiation protection;
    - (c) Mathematics pertaining to the use and measurement of radioactivity;
    - (d) Chemistry of radioactive material for medical use; and
    - (e) Radiation biology; and
  - (2) Work experience, under the supervision of an authorized user who meets the requirements in subsections 1 or 2, or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state. A supervising authorized user, who meets the requirements in subsection 2, must have experience in administering dosages in the same dosage category or categories (i.e., items 1, 2, 3, or 4 of subparagraph g) as the individual requesting authorized user status. The work experience must involve:
    - (a) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
    - (b) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation of survey meters;

- (c) Calculating, measuring, and safely preparing patient or human research subject dosages;
- (d) Using administrative controls to prevent a medical event involving the use of unsealed radioactive material;
- (e) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures;
- (f) Eluting generator systems, measuring and testing the eluate for radionuclidic purity, and processing the eluate with reagent kits to prepare labeled radioactive drugs; and
- (g) Administering dosages of radioactive drugs to patients or human research subjects involving a minimum of three cases in each of the following categories for which the individual is requesting authorized user status:
  - [1] Oral administration of less than or equal to one thousand two hundred twenty megabecquerels [33 millicuries] of sodium iodide I-131;
  - [2] Oral administration of greater than one thousand two hundred twenty megabecquerels [33 millicuries] of sodium iodide I-131 (Note: experience with at least three of these cases also satisfies the requirement in item 1 for oral administration of less than or equal to one thousand two hundred twenty megabecquerels [33 millicuries].);
  - [3] Parenteral administration of any beta emitter or a photon-emitting radionuclide with a photon energy less than one hundred fifty kilo electron volts; and
  - [4] Parenteral administration of any other radionuclide; and
- b. Has obtained written certification that the individual has satisfactorily completed the requirements in subdivision a of subsection 2 and has achieved a level of competency sufficient to function independently as an authorized user for the medical uses authorized under section 33-10-07.1-41 (use of unsealed radioactive material for which a written directive is required). The written certification must be signed by a preceptor authorized user who meets the requirements in subsections 1 or 2, or equivalent requirements of the United States nuclear regulatory commission,



an agreement state, or a licensing state. The preceptor authorized user, who meets the requirements in subsection 2, must have experience in administering dosages in the same dosage category or categories (i.e., items 1, 2, 3, or 4 of subparagraph g of paragraph 2 of subdivision a of subsection 2) as the individual requesting authorized user status.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 20-20.1-04

**33-10-07.1-45. Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to one thousand two hundred twenty megabecquerels [33 millicuries].** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require an authorized user for the oral administration of sodium iodide I-131 requiring a written directive in quantities less than or equal to one thousand two hundred twenty megabecquerels [33 millicuries], to be a physician who:

1. Is certified by a medical specialty board whose certification process includes all of the requirements in subsection 3 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state;
2. Is an authorized user under subsections 1 or 2 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required); is an authorized user for the oral administration of sodium iodide I-131 requiring a written directive; is an authorized user under section 33-10-07.1-46 (training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than one thousand two hundred twenty megabecquerels [33 millicuries]); or is an authorized user under equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state; or
3. a. Has successfully completed eighty hours of classroom and laboratory training, applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training must include:
  - (1) Radiation physics and instrumentation;
  - (2) Radiation protection;
  - (3) Mathematics pertaining to the use and measurement of radioactivity;

- (4) Chemistry of radioactive material for medical use; and
  - (5) Radiation biology;
- b. Has work experience, under the supervision of an authorized user who meets the requirements in subsections 1 or 2 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), this section, section 33-10-07.1-46 (training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than one thousand two hundred twenty megabecquerels [33 millicuries]), or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state. A supervising authorized user who meets the requirements in subsection 2 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), must have experience in oral administration of sodium iodide I-131 requiring a written directive. The work experience must involve:
- (1) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
  - (2) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation for survey meters;
  - (3) Calculating, measuring, and safely preparing patient or human research subject dosages;
  - (4) Using administrative controls to prevent a medical event involving the use of radioactive material;
  - (5) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
  - (6) Administering dosages to patients or human research subjects, that includes at least three cases involving the oral administration of less than or equal to one thousand two hundred twenty megabecquerels [33 millicuries] of sodium iodide I-131; and
- c. Has obtained written certification that the individual has satisfactorily completed the requirements in subdivisions a and b of subsection 3 and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under section 33-10-07.1-41 (use of unsealed radioactive material for which a written directive is required). The written certification must be signed by a preceptor

authorized user who meets the requirements in subsections 1 or 2 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), this section, section 33-10-07.1-46 (training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than one thousand two hundred twenty megabecquerels [33 millicuries]), or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state. A preceptor authorized user, who meets the requirements in subsection 2 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), must have experience in oral administration of sodium iodide I-131 requiring a written directive.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-46. Training for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than one thousand two hundred twenty megabecquerels [33 millicuries].** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require an authorized user for the oral administration of sodium iodide I-131 requiring a written directive in quantities greater than one thousand two hundred twenty megabecquerels [33 millicuries], to be a physician who:

1. Is certified by a medical specialty board whose certification process includes all of the requirements in subsection 3 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state; or
2. Is an authorized user under subsection 1 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required); subsection 2 of section 33-10-07.1-44 for the oral administration of greater than one thousand two hundred twenty megabecquerels [33 millicuries] of sodium iodide I-131 requiring a written directive; or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state; or
3. a. Has successfully completed eighty hours of classroom and laboratory training, applicable to the medical use of sodium iodide I-131 for procedures requiring a written directive. The training must include:
  - (1) Radiation physics and instrumentation;
  - (2) Radiation protection;

- (3) Mathematics pertaining to the use and measurement of radioactivity;
  - (4) Chemistry of radioactive material for medical use; and
  - (5) Radiation biology;
- b. Has work experience, under the supervision of an authorized user who meets the requirements in subsections 1 or 2 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), this section, or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state. A supervising authorized user, who meets the requirements in subsection 2 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), must have experience in the oral administration of greater than one thousand two hundred twenty megabecquerels [33 millicuries] of sodium iodide I-131 requiring a written directive. The work experience must involve:
  - (1) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
  - (2) Calibrating instruments used to determine the activity of dosages and performing checks for proper operation for survey meters;
  - (3) Calculating, measuring, and safely preparing patient or human research subject dosages;
  - (4) Using administrative controls to prevent a medical event involving the use of radioactive material;
  - (5) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
  - (6) Administering dosages to patients or human research subjects, that includes at least three cases involving the oral administration of greater than one thousand two hundred twenty megabecquerels [33 millicuries] of sodium iodide I-131; and
- c. Has obtained written certification that the individual has satisfactorily completed the requirements in subdivisions a and b of subsection 3 and has achieved a level of competency sufficient to function independently as an authorized user for medical uses authorized under section 33-10-07.1-41 (use of unsealed radioactive material for which a written directive is required). The written certification must be signed by a preceptor

authorized user who meets the requirements in subsections 1 or 2 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), this section, or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state. A preceptor authorized user, who meets the requirements in subsection 2 of section 33-10-07.1-44 (training for use of unsealed radioactive material for which a written directive is required), must have experience in oral administration of greater than one thousand two hundred twenty megabecquerels [33 millicuries] of sodium iodide I-131 requiring a written directive.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-47. Use of sources for manual brachytherapy.** A licensee shall use only brachytherapy sources for therapeutic medical uses:

1. As approved in the sealed source and device registry; or
2. In research in accordance with an active investigational device exemption application accepted by the United States food and drug administration provided the requirements of subsection 1 of section 33-10-07.1-19 (suppliers for sealed sources or devices for medical use) are met.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-48. Surveys after source implant and removal.**

1. Immediately after implanting sources in a patient or a human research subject, the licensee shall make a survey to locate and account for all sources that have not been implanted.
2. Immediately after removing the last temporary implant source from a patient or a human research subject, the licensee shall make a survey of the patient or the human research subject with a radiation detection survey instrument to confirm that all sources have been removed.
3. A licensee shall retain a record of the surveys required by subsections 1 and 2 in accordance with section 33-10-07.1-105 (records of surveys after source implant and removal).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-49. Brachytherapy sources accountability.**

1. A licensee shall maintain accountability at all times for all brachytherapy sources in storage or use.
2. As soon as possible after removing sources from a patient or a human research subject, a licensee shall return brachytherapy sources to a secure storage area.
3. A licensee shall maintain a record of the brachytherapy source accountability in accordance with section 33-10-07.1-106 (records of brachytherapy source accountability).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-50. Safety instruction for the use of sources for manual brachytherapy.** In addition to the requirements of subsection 2 (instructions to workers) of section 33-10-10-02:

1. The licensee shall provide radiation safety instruction, initially and at least annually, to personnel caring for patients or human research subjects who are receiving brachytherapy and cannot be released under section 33-10-07.1-32 (release of individuals containing unsealed radioactive material or implants containing radioactive material). To satisfy this requirement, the instruction must be commensurate with the duties of the personnel and include the:
  - a. Size and appearance of the brachytherapy sources;
  - b. Safe handling and shielding instructions;
  - c. Patient or human research subject control;
  - d. Visitor control, including both:
    - (1) Routine visitation of hospitalized individuals in accordance with paragraph 1 of subdivision a of subsection 1 of section 33-10-04.1-07 (radiation dose limits for individual members of the public); and
    - (2) Visitation authorized in accordance with subdivision c of subsection 1 of section 33-10-04.1-07 (radiation dose limits for individual members of the public); and
  - e. Notification of the radiation safety officer, or his or her designee, and an authorized user if the patient or the human research subject has a medical emergency or dies.

2. A licensee shall retain a record of individuals receiving instruction in accordance with section 33-10-07.1-104 (records of safety instruction).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-51. Safety precautions for the use of sources for manual brachytherapy.**

1. For each patient or human research subject who is receiving brachytherapy and cannot be released under section 33-10-07.1-32 (release of individuals containing unsealed radioactive material or implants containing radioactive material), a licensee shall:
  - a. Not quarter the patient or the human research subject in the same room as an individual who is not receiving brachytherapy;
  - b. Visibly post the patient's or human research subject's room with a "radioactive materials" sign; and
  - c. Note on the door or in the patient's or human research subject's chart where and how long visitors may stay in the patient's or human research subject's room.
2. A licensee shall have applicable emergency response equipment available near each treatment room to respond to a source:
  - a. Dislodged from the patient; and
  - b. Lodged within the patient following removal of the source applicators.
3. A licensee shall notify the radiation safety officer, or his or her designee, and an authorized user as soon as possible if the patient or human research subject has a medical emergency or dies.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-52. Calibration measurements of brachytherapy sources.**

1. Before the first medical use of a brachytherapy source on or after September 1, 2003, a licensee shall have:
  - a. Determined the source output or activity using a dosimetry system that meets the requirements of subsection 1 of section 33-10-07.1-64 (dosimetry equipment);

- b. Determined source positioning accuracy within applicators; and
  - c. Used published protocols currently accepted by nationally recognized bodies to meet the requirements of subdivisions a and b of subsection 1.
2. A licensee may use measurements provided by the source manufacturer or by a calibration laboratory accredited by the American association of physicists in medicine that are made in accordance with subsection 1.
3. A licensee shall mathematically correct the outputs or activities determined in subsection 1 for physical decay at intervals consistent with one percent physical decay.
4. A licensee shall retain a record of each calibration in accordance with section 33-10-07.1-107 (records of calibration measurements of brachytherapy sources).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-53. Decay of strontium-90 sources for ophthalmic treatments.**

1. Only an authorized medical physicist shall calculate the activity of each strontium-90 source that is used to determine the treatment times for ophthalmic treatments. The decay must be based on the activity determined under section 33-10-07.1-52 (calibration measurements of brachytherapy sources).
2. A licensee shall retain a record of the activity of each strontium-90 source in accordance with section 33-10-07.1-108 (records of decay of strontium-90 sources for ophthalmic treatments).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-54. Therapy-related computer systems.** The licensee shall perform acceptance testing on the treatment planning system of therapy-related computer systems in accordance with published protocols accepted by nationally recognized bodies. At a minimum, the acceptance testing must include, as applicable, verification of:

1. The source-specific input parameters required by the dose calculation algorithm;



2. The accuracy of dose, dwell time, and treatment time calculations at representative points;
3. The accuracy of isodose plots and graphic displays; and
4. The accuracy of the software used to determine sealed source positions from radiographic images.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-55. Training for use of manual brachytherapy sources.**

Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require an authorized user of a manual brachytherapy source for the uses authorized under section 33-10-07.1-47 (use of sources for manual brachytherapy) to be a physician who:

1. Is certified by a medical specialty board whose certification process includes all of the requirements in subsection 2 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state; or
2. a. Has completed a structured educational program in basic radionuclide handling techniques applicable to the use of manual brachytherapy sources that includes:
  - (1) Two hundred hours of classroom and laboratory training in the following areas:
    - (a) Radiation physics and instrumentation;
    - (b) Radiation protection;
    - (c) Mathematics pertaining to the use and measurement of radioactivity; and
    - (d) Radiation biology; and
  - (2) Five hundred hours of work experience, under the supervision of an authorized user who meets the requirements in this section or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state, at a medical institution, involving:

- (a) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
  - (b) Checking survey meters for proper operation;
  - (c) Preparing, implanting, and removing brachytherapy sources;
  - (d) Maintaining running inventories of material on hand;
  - (e) Using administrative controls to prevent a medical event involving the use of radioactive material; or
  - (f) Using emergency procedures to control radioactive material;
- b. Has obtained three years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in this section or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state, as part of a formal training program approved by the residency review committee for radiation oncology of the accreditation council for graduate medical education or the committee on postdoctoral training of the american osteopathic association. This experience may be obtained concurrently with the supervised work experience required by paragraph 2 of subdivision a of subsection 2; and
- c. Has obtained written certification, signed by a preceptor authorized user who meets the requirements in this section or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state, that the individual has satisfactorily completed the requirements in subdivisions a and b of subsection 2 and has achieved a level of competency sufficient to function independently as an authorized user of manual brachytherapy sources for the medical uses authorized under section 33-10-07.1-47 (use of sources for manual brachytherapy).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-56. Training for ophthalmic use of strontium-90.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of strontium-90 for ophthalmic radiotherapy to be a physician who:

1. Is an authorized user under section 33-10-07.1-55 (training for use of manual brachytherapy sources) or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state; or
2. a. Has completed twenty-four hours of classroom and laboratory training applicable to the medical use of strontium-90 for ophthalmic radiotherapy. The training must include:
  - (1) Radiation physics and instrumentation;
  - (2) Radiation protection;
  - (3) Mathematics pertaining to the use and measurement of radioactivity; and
  - (4) Radiation biology;
- b. Supervised clinical training in ophthalmic radiotherapy under the supervision of an authorized user at a medical institution that includes the use of strontium-90 for the ophthalmic treatment of five individuals. This supervised clinical training must involve:
  - (1) Examination of each individual to be treated;
  - (2) Calculation of the dose to be administered;
  - (3) Administration of the dose; and
  - (4) Followup and review of each individual's case history; and
- c. Has obtained written certification, signed by a preceptor authorized user who meets the requirements in section 33-10-07.1-55 (training for use of manual brachytherapy sources), this section, or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state, that the individual has satisfactorily completed the requirements in subsections 1 and 2 and has achieved a level of competency sufficient to function independently as an authorized user of strontium-90 for ophthalmic use.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-57. Use of sealed sources for diagnosis.** A licensee shall use only sealed sources for diagnostic medical uses as approved in the sealed source and device registry.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-58. Training for use of sealed sources for diagnosis.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of a diagnostic sealed source for use in a device authorized under section 33-10-07.1-57 (use of sealed sources for diagnosis) to be a physician, dentist, or podiatrist who:

1. Is certified by a specialty board whose certification process includes all of the requirements in subsection 2 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state; or
2. Has had eight hours of classroom and laboratory training in basic radionuclide handling techniques specifically applicable to the use of the device. The training must include:
  - a. Radiation physics and instrumentation;
  - b. Radiation protection;
  - c. Mathematics pertaining to the use and measurement of radioactivity;
  - d. Radiation biology; and
  - e. Training in the use of the device for the uses requested.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-59. Use of a sealed source in a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit.** A licensee shall use sealed sources in photon-emitting remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units for therapeutic medical uses:

1. As approved in the sealed source and device registry; or
2. In research in accordance with an active investigational device exemption application accepted by the United States food and drug administration provided the requirements of subsection 1 of section

33-10-07.1-19 (suppliers for sealed sources or devices for medical use) are met.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-60. Surveys of patients and human research subjects treated with a remote afterloader unit.**

1. Before releasing a patient or a human research subject from licensee control, a licensee shall survey the patient or the human research subject and the remote afterloader unit with a portable radiation detection survey instrument to confirm that each source has been removed from the patient or human research subject and returned to the safe shielded position.
2. A licensee shall retain a record of these surveys in accordance with section 33-10-07.1-105 (records of surveys after source implant and removal).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-61. Installation, maintenance, adjustment, and repair.**

1. Only a person specifically licensed by the United States nuclear regulatory commission or an agreement state or a licensing state shall install, maintain, adjust, or repair a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit that involves work on the source shielding, the source driving unit, or other electronic or mechanical component that could expose a source, reduce the shielding around a source, or compromise the radiation safety of the unit or a source.
2. Except for low dose-rate remote afterloader units, only a person specifically licensed by the United States nuclear regulatory commission or an agreement state or a licensing state shall install, replace, relocate, or remove a sealed source or source contained in other remote afterloader units, teletherapy units, or gamma stereotactic radiosurgery units.
3. For a low dose-rate remote afterloader unit, only a person specifically licensed by the United States nuclear regulatory commission or an agreement state or a licensing state or an authorized medical physicist shall install, replace, relocate, or remove a sealed source contained in the unit.

4. A licensee shall retain a record of the installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units in accordance with section 33-10-07.1-109 (records of installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-62. Safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units.**

1. A licensee shall:
  - a. Secure the unit, the console, the console keys, and the treatment room when not in use or unattended;
  - b. Permit only individuals approved by the authorized user, radiation safety officer, or authorized medical physicist to be present in the treatment room during treatment with a source;
  - c. Prevent dual operation of more than one radiation-producing device in a treatment room if applicable; and
  - d. Develop, implement, and maintain written procedures for responding to an abnormal situation when the operator is unable to place a source in the shielded position, or remove the patient or human research subject from the radiation field with controls from outside the treatment room. These procedures must include:
    - (1) Instructions for responding to equipment failures and the names of the individuals responsible for implementing corrective actions;
    - (2) The process for restricting access to and posting of the treatment area to minimize the risk of inadvertent exposure; and
    - (3) The names and telephone numbers of the authorized users, the authorized medical physicist, and the radiation safety officer to be contacted if the unit or console operates abnormally.
2. A copy of the procedures required by subdivision d of subsection 1 must be physically located at the unit console.

3. A licensee shall post instructions at the unit console to inform the operator of:
  - a. The location of the procedures required by subdivision d of subsection 1; and
  - b. The names and telephone numbers of the authorized users, the authorized medical physicist, and the radiation safety officer to be contacted if the unit or console operates abnormally.
4. A licensee shall provide instruction, initially and at least annually, to all individuals who operate the unit, as appropriate to the individual's assigned duties, in:
  - a. The procedures identified in subdivision d of subsection 1; and
  - b. The operating procedures for the unit.
5. A licensee shall ensure that operators, authorized medical physicists, and authorized users participate in drills of the emergency procedures, initially and at least annually.
6. A licensee shall retain a record of individuals receiving instruction required by subsection 4, in accordance with section 33-10-07.1-104 (records of safety instruction).
7. A licensee shall retain a copy of the procedures required by subdivision d of subsection 1 and subdivision b of subsection 4 in accordance with section 33-10-07.1-110 (records of safety procedures).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-63. Safety precautions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units.**

1. A licensee shall control access to the treatment room by a door at each entrance.
2. A licensee shall equip each entrance to the treatment room with an electrical interlock system that will:
  - a. Prevent the operator from initiating the treatment cycle unless each treatment room entrance door is closed;
  - b. Cause each source to be shielded when an entrance door is opened; and

- c. Prevent any source from being exposed following an interlock interruption until all treatment room entrance doors are closed and the source on-off control is reset at the console.
- 3. A licensee shall require any individual entering the treatment room to assure, through the use of appropriate radiation monitors, that radiation levels have returned to ambient levels.
- 4. Except for low-dose remote afterloader units, a licensee shall construct or equip each treatment room with viewing and intercom systems to permit continuous observation of the patient or the human research subject from the treatment console during irradiation.
- 5. For licensed activities where sources are placed within the patient's or human research subject's body, a licensee shall only conduct treatments which allow for expeditious removal of a decoupled or jammed source.
- 6. In addition to the requirements specified in subsections 1 through 5, a licensee shall:
  - a. For medium dose-rate and pulsed dose-rate remote afterloader units, require:
    - (1) An authorized medical physicist and either an authorized user or a physician, under the supervision of an authorized user, who has been trained in the operation and emergency response for the unit to be physically present during the initiation of all patient treatments involving the unit; and
    - (2) An authorized medical physicist and either an authorized user or an individual, under the supervision of an authorized user, who has been trained to remove each source applicator in the event of an emergency involving the unit, to be immediately available during continuation of all patient treatments involving the unit.
  - b. For high dose-rate remote afterloader units, require:
    - (1) An authorized user and an authorized medical physicist to be physically present during the initiation of all patient treatments involving the unit; and
    - (2) An authorized medical physicist and either an authorized user or a physician, under the supervision of an authorized user, who has been trained in the operation and emergency response for the unit, to be physically present during continuation of all patient treatments involving the unit.



- c. For gamma stereotactic radiosurgery units, require an authorized user and an authorized medical physicist to be physically present throughout all patient treatments involving the unit.
  - d. Notify the radiation safety officer, or his or her designee, and an authorized user as soon as possible if the patient or human research subject has a medical emergency or dies.
- 7. A licensee shall have applicable emergency response equipment available near each treatment room to respond to a source:
  - a. Remaining in the unshielded position; or
  - b. Lodged within the patient following completion of the treatment.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

#### **33-10-07.1-64. Dosimetry equipment.**

- 1. Except for low dose-rate remote afterloader sources where the source output or activity is determined by the manufacturer, a licensee shall have a calibrated dosimetry system available for use. To satisfy this requirement, one of the following two conditions must be met:
  - a. The system must have been calibrated using a system or source traceable to the national institute of science and technology and published protocols accepted by nationally recognized bodies or by a calibration laboratory accredited by the american association of physicists in medicine. The calibration must have been performed within the previous two years and after any servicing that may have affected system calibration; or
  - b. The system must have been calibrated within the previous four years. Eighteen to thirty months after that calibration, the system must have been intercompared with another dosimetry system that was calibrated within the past twenty-four months by the national institute of science and technology or by a calibration laboratory accredited by the american association of physicists in medicine. The results of the intercomparison must indicate that the calibration factor of the licensee's system had not changed by more than two percent. The licensee may not use the intercomparison result to change the calibration factor. When intercomparing dosimetry systems to be used for calibrating sealed sources for therapeutic units, the licensee shall use a comparable unit with beam attenuators or collimators, as applicable, and sources of the same radionuclide as the source used at the licensee's facility.

2. The licensee shall have a dosimetry system available for use for spot check output measurements, if applicable. To satisfy this requirement, the system may be compared with a system that has been calibrated in accordance with subsection 1. This comparison must have been performed within the previous year and after each servicing that may have affected system calibration. The spot check system may be the same system used to meet the requirement in subsection 1.
3. The licensee shall retain a record of each calibration, intercomparison, and comparison in accordance with section 33-10-07.1-111 (records of dosimetry equipment used with remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-65. Full calibration measurements on teletherapy units.**

1. A licensee authorized to use a teletherapy unit for medical use shall perform full calibration measurements on each teletherapy unit:
  - a. Before the first medical use of the unit;
  - b. Before medical use under the following conditions:
    - (1) Whenever spot check measurements indicate that the output differs by more than five percent from the output obtained at the last full calibration corrected mathematically for radioactive decay;
    - (2) Following replacement of the source or following reinstallation of the teletherapy unit in a new location; or
    - (3) Following any repair of the teletherapy unit that includes removal of the source or major repair of the components associated with the source exposure assembly; and
  - c. At intervals not exceeding one year.
2. To satisfy the requirement of subsection 1, full calibration measurements must include determination of:
  - a. The output within plus or minus three percent for the range of field sizes and for the distance or range of distances used for medical use;
  - b. The coincidence of the radiation field and the field indicated by the light beam localizing device;

- c. The uniformity of the radiation field and its dependence on the orientation of the useful beam;
  - d. Timer accuracy and linearity over the range of use;
  - e. On-off error; and
  - f. The accuracy of all distance measuring and localization devices in medical use.
3. A licensee shall use the dosimetry system described in subsection 1 of section 33-10-07.1-64 (dosimetry equipment) to measure the output for one set of exposure conditions. The remaining radiation measurements required in subdivision a of subsection 2 may be made using a dosimetry system that indicates relative dose rates.
  4. A licensee shall make full calibration measurements required by subsection 1 in accordance with published protocols accepted by nationally recognized bodies.
  5. A licensee shall mathematically correct the outputs determined in subdivision a of subsection 2 for physical decay for intervals not exceeding one month for cobalt-60, six months for cesium-137, or at intervals consistent with one percent decay for all other nuclides.
  6. Full calibration measurements required by subsection 1 and physical decay corrections required by subsection 5 must be performed by the authorized medical physicist.
  7. A licensee shall retain a record of each calibration in accordance with section 33-10-07.1-112 (records of teletherapy, remote afterloader, and gamma stereotactic radiosurgery full calibrations).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-66. Full calibration measurements on remote afterloader units.**

1. A licensee authorized to use a remote afterloader unit for medical use shall perform full calibration measurements on each unit:
  - a. Before the first medical use of the unit;
  - b. Before medical use under the following conditions:
    - (1) Following replacement of the source or following reinstallation of the unit in a new location outside the facility;

- (2) Following any repair of the unit that includes removal of the source or major repair of the components associated with the source exposure assembly;
  - (3) At intervals not exceeding one-quarter for high dose-rate, medium dose-rate, and pulsed dose-rate remote afterloader units with sources whose half-life exceeds seventy-five days; and
  - (4) At intervals not exceeding one year for low dose-rate remote afterloader units.
- 2. To satisfy the requirement of subsection 1, full calibration measurements must include, as applicable, determination of:
  - a. The output within plus or minus five percent;
  - b. Source positioning accuracy to within plus or minus one millimeter;
  - c. Source retraction with backup battery upon power failure;
  - d. Length of the source transfer tubes;
  - e. Timer accuracy and linearity over the typical range of use;
  - f. Length of the applicators; and
  - g. Function of the source transfer tubes, applicators, and transfer tube-applicator interfaces.
- 3. A licensee shall use the dosimetry system described in subsection 1 of section 33-10-07.1-64 (dosimetry equipment) to measure the output.
- 4. A licensee shall make full calibration measurements required by subsection 1 in accordance with published protocols accepted by nationally recognized bodies.
- 5. In addition to the requirements for full calibrations for low dose-rate remote afterloader units in subsection 2, a licensee shall perform an autoradiograph of each source to verify inventory and source arrangement at intervals not exceeding one-quarter.
- 6. For low dose-rate remote afterloader units, a licensee may use measurements provided by the source manufacturer that are made in accordance with subsections 1 through 5.

7. A licensee shall mathematically correct the outputs determined in subdivision a of subsection 2 for physical decay at intervals consistent with one percent physical decay.
8. Full calibration measurements required by subsection 1 and physical decay corrections required by subsection 7 must be performed by the authorized medical physicist.
9. A licensee shall retain a record of each calibration in accordance with section 33-10-07.1-112 (records of teletherapy, remote afterloader, and gamma stereotactic radiosurgery full calibrations).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-67. Full calibration measurements on gamma stereotactic radiosurgery units.**

1. A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use shall perform full calibration measurements on each unit:
  - a. Before the first medical use of the unit;
  - b. Before medical use under the following conditions:
    - (1) Whenever spot check measurements indicate that the output differs by more than five percent from the output obtained at the last full calibration corrected mathematically for radioactive decay;
    - (2) Following replacement of the sources or following reinstallation of the gamma stereotactic radiosurgery unit in a new location; and
    - (3) Following any repair of the gamma stereotactic radiosurgery unit that includes removal of the sources or major repair of the components associated with the source assembly; and
  - c. At intervals not exceeding one year, with the exception that relative helmet factors need only be determined before the first medical use of a helmet and following any damage to a helmet.
2. To satisfy the requirement of subsection 1, full calibration measurements must include determination of:
  - a. The output within plus or minus three percent;
  - b. Relative helmet factors;

- c. Isocenter coincidence;
  - d. Timer accuracy and linearity over the range of use;
  - e. On-off error;
  - f. Trunnion centricity;
  - g. Treatment table retraction mechanism, using backup battery power or hydraulic backups with the unit off;
  - h. Helmet microswitches;
  - i. Emergency timing circuits; and
  - j. Stereotactic frames and localizing devices (trunnions).
3. A licensee shall use the dosimetry system described in subsection 1 of section 33-10-07.1-64 (dosimetry equipment) to measure the output for one set of exposure conditions. The remaining radiation measurements required in subdivision a of subsection 2 may be made using a dosimetry system that indicates relative dose rates.
  4. A licensee shall make full calibration measurements required by subsection 1 in accordance with published protocols accepted by nationally recognized bodies.
  5. A licensee shall mathematically correct the outputs determined in subdivision a of subsection 2 at intervals not exceeding one month for cobalt-60 and at intervals consistent with one percent physical decay for all other radionuclides.
  6. Full calibration measurements required by subsection 1 and physical decay corrections required by subsection 5 must be performed by the authorized medical physicist.
  7. A licensee shall retain a record of each calibration in accordance with section 33-10-07.1-112 (records of teletherapy, remote afterloader, and gamma stereotactic radiosurgery full calibrations).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-68. Periodic spot checks for teletherapy units.**

1. A licensee authorized to use teletherapy units for medical use shall perform output spot checks on each teletherapy unit once in each calendar month that include determination of:

- a. Timer accuracy and timer linearity over the range of use;
  - b. On-off error;
  - c. The coincidence of the radiation field and the field indicated by the light beam localizing device;
  - d. The accuracy of all distance measuring and localization devices used for medical use;
  - e. The output for one typical set of operating conditions measured with the dosimetry system described in subsection 2 of section 33-10-07.1-64 (dosimetry equipment); and
  - f. The difference between the measurement made in subdivision e of subsection 1 and the anticipated output, expressed as a percentage of the anticipated output, i.e., the value obtained at last full calibration corrected mathematically for physical decay.
2. A licensee shall perform measurements required by subsection 1 in accordance with written procedures established by the authorized medical physicist. That individual need not actually perform the spot check measurements.
  3. A licensee shall have the authorized medical physicist review the results of each spot check within fifteen days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the results of each spot check.
  4. A licensee authorized to use a teletherapy unit for medical use shall perform safety spot checks of each teletherapy facility once in each calendar month and after each source installation to assure proper operation of:
    - a. Electrical interlocks at each teletherapy room entrance;
    - b. Electrical or mechanical stops installed for the purpose of limiting use of the primary beam of radiation (restriction of source housing angulation or elevation, carriage or stand travel and operation of the beam on-off mechanism);
    - c. Source exposure indicator lights on the teletherapy unit, on the control console, and in the facility;
    - d. Viewing and intercom systems;
    - e. Treatment room doors from inside and outside the treatment room; and

- f. Electrically assisted treatment room doors with the teletherapy unit electrical power turned off.
- 5. If the results of the checks required in subsection 4 indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.
- 6. A licensee shall retain a record of each spot check required by subsections 1 and 4, and a copy of the procedures required by subsection 2, in accordance with section 33-10-07.1-113 (records of periodic spot checks for teletherapy units).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-69. Periodic spot checks for remote afterloader units.**

- 1. A licensee authorized to use a remote afterloader unit for medical use shall perform spot checks of each remote afterloader facility and on each unit:
  - a. Before the first use of a high dose-rate, medium dose-rate, or pulsed dose-rate remote afterloader unit on a given day;
  - b. Before each patient treatment with a low dose-rate remote afterloader unit; and
  - c. After each source installation.
- 2. A licensee shall perform the measurements required by subsection 1 in accordance with written procedures established by the authorized medical physicist. That individual need not actually perform the spot check measurements.
- 3. A licensee shall have the authorized medical physicist review the results of each spot check within fifteen days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the results of each spot check.
- 4. To satisfy the requirements of subsection 1, spot checks must, at a minimum, assure proper operation of:
  - a. Electrical interlocks at each remote afterloader unit room entrance;
  - b. Source exposure indicator lights on the remote afterloader unit, on the control console, and in the facility;



- c. Viewing and intercom systems in each high dose-rate, medium dose-rate, and pulsed dose-rate remote afterloader facility;
  - d. Emergency response equipment;
  - e. Radiation monitors used to indicate the source position;
  - f. Timer accuracy;
  - g. Clock date and time in the unit's computer; and
  - h. Decayed source activity in the unit's computer.
5. If the results of the spot checks required in subsection 4 indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or spot check the malfunctioning system.
  6. A licensee shall retain a record of each spot check required by subsection 4 and a copy of the procedures required by subsection 2 in accordance with section 33-10-07.1-114 (records of periodic spot checks for remote afterloader units).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-70. Periodic spot checks for gamma stereotactic radiosurgery units.**

1. A licensee authorized to use a gamma stereotactic radiosurgery unit for medical use shall perform spot checks of each gamma stereotactic radiosurgery facility and on each unit:
  - a. Monthly;
  - b. Before the first use of the unit on a given day; and
  - c. After each source installation.
2. A licensee shall:
  - a. Perform the measurements required by subsection 1 in accordance with written procedures established by the authorized medical physicist. That individual need not actually perform the spot check measurements.

- b. Have the authorized medical physicist review the results of each spot check within fifteen days. The authorized medical physicist shall notify the licensee as soon as possible in writing of the results of each spot check.
- 3. To satisfy the requirements of subdivision a of subsection 1, spot checks must, at a minimum:
  - a. Assure proper operation of:
    - (1) Treatment table retraction mechanism, using backup battery power or hydraulic backups with the unit off;
    - (2) Helmet microswitches;
    - (3) Emergency timing circuits; and
    - (4) Stereotactic frames and localizing devices (trunnions).
  - b. Determine:
    - (1) The output for one typical set of operating conditions measured with the dosimetry system described in subsection 2 of section 33-10-07.1-64 (dosimetry equipment);
    - (2) The difference between the measurement made in paragraph 1 and the anticipated output, expressed as a percentage of the anticipated output, i.e., the value obtained at last full calibration corrected mathematically for physical decay;
    - (3) Source output against computer calculation;
    - (4) Timer accuracy and linearity over the range of use;
    - (5) On-off error; and
    - (6) Trunnion centricity.
- 4. To satisfy the requirements of subdivisions b and c of subsection 1, spot checks must assure proper operation of:
  - a. Electrical interlocks at each gamma stereotactic radiosurgery room entrance;
  - b. Source exposure indicator lights on the gamma stereotactic radiosurgery unit, on the control console, and in the facility;

- c. Viewing and intercom systems;
  - d. Timer termination;
  - e. Radiation monitors used to indicate room exposures; and
  - f. Emergency off buttons.
5. A licensee shall arrange for the repair of any system identified in subsection 3 that is not operating properly as soon as possible.
  6. If the results of the checks required in subsection 4 indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.
  7. A licensee shall retain a record of each check required by subsections 3 and 4 and a copy of the procedures required by subsection 2 in accordance with section 33-10-07.1-115 (records of periodic spot checks for gamma stereotactic radiosurgery units).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-71. Additional technical requirements for mobile remote afterloader units.**

1. A licensee providing mobile remote afterloader service shall:
  - a. Check survey instruments before medical use at each address of use or on each day of use, whichever is more frequent; and
  - b. Account for all sources before departure from a client's address of use.
2. In addition to the periodic spot checks required by section 33-10-07.1-69 (periodic spot checks for remote afterloader units), a licensee authorized to use mobile afterloaders for medical use shall perform checks on each remote afterloader unit before use at each address of use. At a minimum, spot checks must be made to verify the operation of:
  - a. Electrical interlocks on treatment area access points;
  - b. Source exposure indicator lights on the remote afterloader unit, on the control console, and in the facility;

- c. Viewing and intercom systems;
  - d. Applicators, source transfer tubes, and transfer tube-applicator interfaces;
  - e. Radiation monitors used to indicate room exposures;
  - f. Source positioning (accuracy); and
  - g. Radiation monitors used to indicate whether the source has returned to a safe shielded position.
3. In addition to the requirements for spot checks in subsection 2, a licensee shall ensure overall proper operation of the remote afterloader unit by conducting a simulated cycle of treatment before use at each address of use.
  4. If the results of the spot checks required in subsection 2 indicate the malfunction of any system, a licensee shall lock the control console in the off position and not use the unit except as may be necessary to repair, replace, or check the malfunctioning system.
  5. A licensee shall retain a record of each spot check required by subsection 2 in accordance with section 33-10-07.1-116 (records of additional technical requirements for mobile remote afterloader units).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-72. Radiation surveys.**

1. In addition to the survey requirement in subsection 1 of section 33-10-04.1-09 (survey and monitoring), a person licensed under sections 33-10-07.1-59 through 33-10-07.1-75 shall make surveys to ensure that the maximum radiation levels and average radiation levels from the surface of the main source safe with the source in the shielded position do not exceed the levels stated in the sealed source and device registry.
2. The licensee shall make the survey required by subsection 1 at installation of a new source and following repairs to the source shielding, the source driving unit, or other electronic or mechanical component that could expose a source, reduce the shielding around a source, or compromise the radiation safety of the unit or a source.

3. A licensee shall retain a record of the radiation surveys required by subsection 1 in accordance with section 33-10-07.1-117 (records of surveys of therapeutic treatment units).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-73. Five-year inspection for teletherapy and gamma stereotactic radiosurgery units.**

1. A licensee shall have each teletherapy unit and gamma stereotactic radiosurgery unit fully inspected and serviced during source replacement or at intervals not to exceed five years, whichever comes first, to assure proper functioning of the source exposure mechanism.
2. This inspection and servicing may only be performed by persons specifically licensed to do so by the United States nuclear regulatory commission or an agreement state or a licensing state.
3. A licensee shall keep a record of the inspection and servicing in accordance with section 33-10-07.1-118 (records of five-year inspection for teletherapy and gamma stereotactic radiosurgery units).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-74. Therapy-related computer systems.** The licensee shall perform acceptance testing on the treatment planning system of therapy-related computer systems in accordance with published protocols accepted by nationally recognized bodies. At a minimum, the acceptance testing must include, as applicable, verification of:

1. The source-specific input parameters required by the dose calculation algorithm;
2. The accuracy of dose, dwell time, and treatment time calculations at representative points;
3. The accuracy of isodose plots and graphic displays;
4. The accuracy of the software used to determine sealed source positions from radiographic images; and

5. The accuracy of electronic transfer of the treatment delivery parameters to the treatment delivery unit from the treatment planning system.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-75. Training for use of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require an authorized user of a sealed source for a use authorized under section 33-10-07.1-59 (use of a sealed source in a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit) to be a physician who:

1. Is certified by a medical specialty board whose certification process includes all of the requirements in subsection 2 and whose certification has been recognized by the United States nuclear regulatory commission or an agreement state or a licensing state; or
2. a. Has completed a structured educational program in basic radionuclide techniques applicable to the use of a sealed source in a therapeutic medical unit that includes:
  - (1) Two hundred hours of classroom and laboratory training in the following areas:
    - (a) Radiation physics and instrumentation;
    - (b) Radiation protection;
    - (c) Mathematics pertaining to the use and measurement of radioactivity; and
    - (d) Radiation biology; and
  - (2) Five hundred hours of work experience, under the supervision of an authorized user who meets the requirements in this section or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state at a medical institution, involving:
    - (a) Reviewing full calibration measurements and periodic spot checks;
    - (b) Preparing treatment plans and calculating treatment doses and times;

- (c) Using administrative controls to prevent a medical event involving the use of radioactive material;
  - (d) Implementing emergency procedures to be followed in the event of the abnormal operation of the medical unit or console;
  - (e) Checking and using survey meters; and
  - (f) Selecting the proper dose and how it is to be administered;
- b. Has completed three years of supervised clinical experience in radiation oncology, under an authorized user who meets the requirements in this section or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state, as part of a formal training program approved by the residency review committee for radiation oncology of the accreditation council for graduate medical education or the committee on postdoctoral training of the American osteopathic association. This experience may be obtained concurrently with the supervised work experience required by paragraph 2 of subdivision a of subsection 2; and
- c. Has obtained written certification that the individual has satisfactorily completed the requirements in subdivisions a and b of subsection 2 and has achieved a level of competency sufficient to function independently as an authorized user of each type of therapeutic medical unit for which the individual is requesting authorized user status. The written certification must be signed by a preceptor authorized user who meets the requirements in this section or equivalent requirements of the United States nuclear regulatory commission, an agreement state, or a licensing state for an authorized user for each type of therapeutic medical unit for which the individual is requesting authorized user status.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-76. Radiation safety officer.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require an individual fulfilling the responsibilities of the radiation safety officer as provided in section 33-10-07.1-14 (authority and responsibilities for the radiation protection program) to be an individual who:

1. Is certified by the:

- a. American board of health physics in comprehensive health physics;
  - b. American board of radiology;
  - c. American board of nuclear medicine;
  - d. American board of science in nuclear medicine;
  - e. Board of pharmaceutical specialties in nuclear pharmacy;
  - f. American board of medical physics in radiation oncology physics;
  - g. Royal college of physicians and surgeons of Canada in nuclear medicine;
  - h. American osteopathic board of radiology; or
  - i. American osteopathic board of nuclear medicine;
2. Has had classroom and laboratory training and experience as follows:
- a. Two hundred hours of classroom and laboratory training that includes:
    - (1) Radiation physics and instrumentation;
    - (2) Radiation protection;
    - (3) Mathematics pertaining to the use and measurement of radioactivity;
    - (4) Radiation biology; and
    - (5) Radiopharmaceutical chemistry; and
  - b. One year of full-time experience as a radiation safety technologist at a medical institution under the supervision of the individual identified as the radiation safety officer on a United States nuclear regulatory commission or agreement state or licensing state license that authorizes the medical use of radioactive material; or
3. Is an authorized user identified on the licensee's license.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04



**33-10-07.1-77. Training for uptake, dilution, and excretion studies.**

Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of a radiopharmaceutical in subsection 1 of section 33-10-07.1-35 (use of unsealed radioactive material for uptake, dilution, and excretion studies for which a written directive is not required) to be a physician who:

1. Is certified in:
  - a. Nuclear medicine by the American board of nuclear medicine;
  - b. Diagnostic radiology by the American board of radiology;
  - c. Diagnostic radiology or radiology by the American osteopathic board of radiology;
  - d. Nuclear medicine by the royal college of physicians and surgeons of Canada; or
  - e. American osteopathic board of nuclear medicine in nuclear medicine;
2. Has had classroom and laboratory training in basic radioisotope handling techniques applicable to the use of prepared radiopharmaceuticals and supervised clinical experience as follows:
  - a. Forty hours of classroom and laboratory training that includes:
    - (1) Radiation physics and instrumentation;
    - (2) Radiation protection;
    - (3) Mathematics pertaining to the use and measurement of radioactivity;
    - (4) Radiation biology; and
    - (5) Radiopharmaceutical chemistry; and
  - b. Twenty hours of supervised clinical experience under the supervision of an authorized user and that includes:
    - (1) Examining patients or human research subjects and reviewing their case histories to determine their suitability for radioisotope diagnosis, limitations, or contraindications;
    - (2) Selecting the suitable radiopharmaceuticals and calculating and measuring the dosages;

- (3) Administering dosages to patients or human research subjects and using syringe radiation shields;
  - (4) Collaborating with the authorized user in the interpretation of radioisotope test results; and
  - (5) Patient or human research subject followup; or
- 3. Has successfully completed a six-month training program in nuclear medicine as part of a training program that has been approved by the accreditation council for graduate medical education and that included classroom and laboratory training, work experience, and supervised clinical experience in all the topics identified in subsection 2.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-78. Training for imaging and localization studies.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of a radiopharmaceutical, generator, or reagent kit in subsection 1 of section 33-10-07.1-37 (use of unsealed radioactive material for imaging and localization studies for which a written directive is not required) to be a physician who:

- 1. Is certified in:
  - a. Nuclear medicine by the American board of nuclear medicine;
  - b. Diagnostic radiology by the American board of radiology;
  - c. Diagnostic radiology or radiology by the American osteopathic board of radiology;
  - d. Nuclear medicine by the royal college of physicians and surgeons of Canada; or
  - e. American osteopathic board of nuclear medicine in nuclear medicine;
- 2. Has had classroom and laboratory training in basic radioisotope handling techniques applicable to the use of prepared radiopharmaceuticals, generators, and reagent kits, supervised work experience, and supervised clinical experience as follows:
  - a. Two hundred hours of classroom and laboratory training that includes:

- (1) Radiation physics and instrumentation;
  - (2) Radiation protection;
  - (3) Mathematics pertaining to the use and measurement of radioactivity;
  - (4) Radiopharmaceutical chemistry; and
  - (5) Radiation biology;
- b. Five hundred hours of supervised work experience under the supervision of an authorized user that includes:
- (1) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
  - (2) Calibrating dose calibrators and diagnostic instruments and performing checks for proper operation of survey meters;
  - (3) Calculating and safely preparing patient or human research subject dosages;
  - (4) Using administrative controls to prevent a medical event involving radioactive material;
  - (5) Using procedures to contain spilled radioactive material safely and using proper decontamination procedures; and
  - (6) Eluting technetium-99m from generator systems, measuring and testing the eluate for molybdenum-99 and alumina contamination, and processing the eluate with reagent kits to prepare technetium-99m labeled radiopharmaceuticals; and
- c. Five hundred hours of supervised clinical experience under the supervision of an authorized user that includes:
- (1) Examining patients or human research subjects and reviewing their case histories to determine their suitability for radioisotope diagnosis, limitations, or contraindications;
  - (2) Selecting the suitable radiopharmaceuticals and calculating and measuring the dosages;
  - (3) Administering dosages to patients or human research subjects and using syringe radiation shields;
  - (4) Collaborating with the authorized user in the interpretation of radioisotope test results; and

- (5) Patient or human research subject followup; or
- 3. Has successfully completed a six-month training program in nuclear medicine that has been approved by the accreditation council for graduate medical education and that included classroom and laboratory training, work experience, and supervised clinical experience in all the topics identified in subsection 2.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-79. Training for therapeutic use of unsealed radioactive material.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of radiopharmaceuticals in section 33-10-07.1-41 (use of unsealed radioactive material for which a written directive is required) to be a physician who:

- 1. Is certified by:
  - a. The American board of nuclear medicine;
  - b. The American board of radiology in radiology, therapeutic radiology, or radiation oncology;
  - c. The royal college of physicians and surgeons of Canada in nuclear medicine; or
  - d. The American osteopathic board of radiology after 1984; or
- 2. Has had classroom and laboratory training in basic radioisotope handling techniques applicable to the use of therapeutic radiopharmaceuticals and supervised clinical experience as follows:
  - a. Eighty hours of classroom and laboratory training that includes:
    - (1) Radiation physics and instrumentation;
    - (2) Radiation protection;
    - (3) Mathematics pertaining to the use and measurement of radioactivity; and
    - (4) Radiation biology; and
  - b. Supervised clinical experience under the supervision of an authorized user at a medical institution that includes:

- (1) Use of iodine-131 for diagnosis of thyroid function and the treatment of hyperthyroidism or cardiac dysfunction in ten individuals; and
- (2) Use of iodine-131 for treatment of thyroid carcinoma in three individuals.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-80. Training for treatment of hyperthyroidism.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of only iodine-131 for the treatment of hyperthyroidism to be a physician with special experience in thyroid disease who has had classroom and laboratory training in basic radioisotope handling techniques applicable to the use of iodine-131 for treating hyperthyroidism, and supervised clinical experience as follows:

1. Eighty hours of classroom and laboratory training that includes:
  - a. Radiation physics and instrumentation;
  - b. Radiation protection;
  - c. Mathematics pertaining to the use and measurement of radioactivity; and
  - d. Radiation biology; and
2. Supervised clinical experience under the supervision of an authorized user that includes the use of iodine-131 for diagnosis of thyroid function and the treatment of hyperthyroidism in ten individuals.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-81. Training for treatment of thyroid carcinoma.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of only iodine-131 for the treatment of thyroid carcinoma to be a physician with special experience in thyroid disease who has had classroom and laboratory training in basic radioisotope handling techniques applicable to the use of iodine-131 for treating thyroid carcinoma, and supervised clinical experience as follows:

1. Eighty hours of classroom and laboratory training that includes:

- a. Radiation physics and instrumentation;
  - b. Radiation protection;
  - c. Mathematics pertaining to the use and measurement of radioactivity; and
  - d. Radiation biology; and
2. Supervised clinical experience under the supervision of an authorized user that includes the use of iodine-131 for the treatment of thyroid carcinoma in three individuals.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-82. Training for use of brachytherapy sources.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of a brachytherapy source listed in section 33-10-07.1-47 (use of sources for manual brachytherapy) for therapy to be a physician who:

1. Is certified in:
  - a. Radiology, therapeutic radiology, or radiation oncology by the American board of radiology;
  - b. Radiation oncology by the American osteopathic board of radiology;
  - c. Radiology, with specialization in radiotherapy, as a British "fellow of the faculty of radiology" or "fellow of the royal college of radiology"; or
  - d. Therapeutic radiology by the Canadian royal college of physicians and surgeons; or
2. Is in the active practice of therapeutic radiology, has had classroom and laboratory training in radioisotope handling techniques applicable to the therapeutic use of brachytherapy sources, supervised work experience, and supervised clinical experience as follows:
  - a. Two hundred hours of classroom and laboratory training that includes:
    - (1) Radiation physics and instrumentation;

- (2) Radiation protection;
- (3) Mathematics pertaining to the use and measurement of radioactivity; and
- (4) Radiation biology;
- b. Five hundred hours of supervised work experience under the supervision of an authorized user at a medical institution that includes:
  - (1) Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;
  - (2) Checking survey meters for proper operation;
  - (3) Preparing, implanting, and removing sealed sources;
  - (4) Maintaining running inventories of material on hand;
  - (5) Using administrative controls to prevent a medical event involving radioactive material; and
  - (6) Using emergency procedures to control radioactive material; and
- c. Three years of supervised clinical experience that includes one year in a formal training program approved by the residency review committee for radiology of the accreditation council for graduate medical education or the committee on postdoctoral training of the American osteopathic association, and an additional two years of clinical experience in therapeutic radiology under the supervision of an authorized user at a medical institution that includes:
  - (1) Examining individuals and reviewing their case histories to determine their suitability for brachytherapy treatment and any limitations or contraindications;
  - (2) Selecting the proper brachytherapy sources and dose and method of administration;
  - (3) Calculating the dose; and
  - (4) Postadministration followup and review of case histories in collaboration with the authorized user.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-83. Training for ophthalmic use of strontium-90.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of only strontium-90 for ophthalmic radiotherapy to be a physician who is in the active practice of therapeutic radiology or ophthalmology, and has had classroom and laboratory training in basic radioisotope handling techniques applicable to the use of strontium-90 for ophthalmic radiotherapy, and a period of supervised clinical training in ophthalmic radiotherapy as follows:

1. Twenty-four hours of classroom and laboratory training that includes:
  - a. Radiation physics and instrumentation;
  - b. Radiation protection;
  - c. Mathematics pertaining to the use and measurement of radioactivity; and
  - d. Radiation biology; and
2. Supervised clinical training in ophthalmic radiotherapy under the supervision of an authorized user at a medical institution that includes the use of strontium-90 for the ophthalmic treatment of five individuals that includes:
  - a. Examination of each individual to be treated;
  - b. Calculation of the dose to be administered;
  - c. Administration of the dose; and
  - d. Followup and review of each individual's case history.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-84. Training for use of sealed sources for diagnosis.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of a sealed source in a device listed in section 33-10-07.1-57 (use of sealed sources for diagnosis) to be a physician, dentist, or podiatrist who:

1. Is certified in:



- a. Radiology, diagnostic radiology, therapeutic radiology, or radiation oncology by the American board of radiology;
  - b. Nuclear medicine by the American board of nuclear medicine;
  - c. Diagnostic radiology or radiology by the American osteopathic board of radiology; or
  - d. Nuclear medicine by the royal college of physicians and surgeons of Canada; or
2. Has had eight hours of classroom and laboratory training in basic radioisotope handling techniques specifically applicable to the use of the device that includes:
    - a. Radiation physics, mathematics pertaining to the use and measurement of radioactivity, and instrumentation;
    - b. Radiation biology;
    - c. Radiation protection; and
    - d. Training in the use of the device for the uses requested.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-85. Training for use of therapeutic medical devices.** Except as provided in section 33-10-07.1-23 (training for experienced radiation safety officer, teletherapy or medical physicist, authorized user, and nuclear pharmacist), the licensee shall require the authorized user of a sealed source listed in section 33-10-07.1-59 (use of a sealed source in a remote afterloader unit, teletherapy unit, or gamma stereotactic radiosurgery unit) to be a physician who:

1. Is certified in:
  - a. Radiology, therapeutic radiology, or radiation oncology by the American board of radiology;
  - b. Radiation oncology by the American osteopathic board of radiology;
  - c. Radiology, with specialization in radiotherapy, as a British "fellow of the faculty of radiology" or "fellow of the royal college of radiology"; or

- d. Therapeutic radiology by the Canadian royal college of physicians and surgeons; or
- 2. Is in the active practice of therapeutic radiology, and has had classroom and laboratory training in basic radioisotope techniques applicable to the use of a sealed source in a therapeutic medical device, supervised work experience, and supervised clinical experience as follows:
  - a. Two hundred hours of classroom and laboratory training that includes:
    - (1) Radiation physics and instrumentation;
    - (2) Radiation protection;
    - (3) Mathematics pertaining to the use and measurement of radioactivity; and
    - (4) Radiation biology;
  - b. Five hundred hours of supervised work experience under the supervision of an authorized user at a medical institution that includes:
    - (1) Reviewing of the full calibration measurements and periodic spot checks;
    - (2) Preparing treatment plans and calculating treatment times;
    - (3) Using administrative controls to prevent medical events;
    - (4) Implementing emergency procedures to be followed in the event of the abnormal operation of the medical device or console; and
    - (5) Checking and using survey meters; and
  - c. Three years of supervised clinical experience that includes one year in a formal training program approved by the residency review committee for radiology of the accreditation council for graduate medical education or the committee on postdoctoral training of the American osteopathic association and an additional two years of clinical experience in therapeutic radiology under the supervision of an authorized user at a medical institution that includes:
    - (1) Examining individuals and reviewing their case histories to determine their suitability for teletherapy, remote afterloader, or gamma stereotactic radiosurgery treatment, and any limitations or contraindications;

- (2) Selecting the proper dose and how it is to be administered;
- (3) Calculating the doses and collaborating with the authorized user in the review of patients' or human research subjects' progress and consideration of the need to modify originally prescribed doses as warranted by patients' or human research subjects' reactions to radiation; and
- (4) Postadministration followup and review of case histories.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-86. Training for an authorized medical physicist.** The licensee shall require the authorized medical physicist to be an individual who:

1. Is certified by the American board of radiology in:
  - a. Therapeutic radiological physics;
  - b. Roentgen ray and gamma-ray physics;
  - c. X-ray and radium physics; or
  - d. Radiological physics;
2. Is certified by the American board of medical physics in radiation oncology physics; or
3. Holds a master's or doctor's degree in physics, biophysics, radiological physics, or health physics, and has completed one year of full-time training in therapeutic radiological physics and an additional year of full-time work experience under the supervision of a medical physicist at a medical institution that includes the tasks listed in sections 33-10-07.1-29 (requirements for possession of sealed sources and brachytherapy sources), 33-10-07.1-53 (decay of strontium-90 sources for ophthalmic treatments), 33-10-07.1-65 (full calibration measurements on teletherapy units), 33-10-07.1-66 (full calibration measurements on remote afterloader units), 33-10-07.1-67 (full calibration measurements on gamma stereotactic radiosurgery units), 33-10-07.1-68 (periodic spot checks for teletherapy units), 33-10-07.1-69 (periodic spot checks for remote afterloader units), 33-10-07.1-70 (periodic spot checks for gamma stereotactic

radiosurgery units), and 33-10-07.1-72 (radiation surveys), as applicable.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-87. Training for an authorized nuclear pharmacist.** The licensee shall require the authorized nuclear pharmacist to be a pharmacist who:

1. Has current board certification as a nuclear pharmacist by the board of pharmaceutical specialties; or
2. a. Has completed seven hundred hours in a structured educational program consisting of both:
  - (1) Didactic training in the following areas:
    - (a) Radiation physics and instrumentation;
    - (b) Radiation protection;
    - (c) Mathematics pertaining to the use and measurement of radioactivity;
    - (d) Chemistry of radioactive material for medical use; and
    - (e) Radiation biology; and
  - (2) Supervised experience in a nuclear pharmacy involving the following:
    - (a) Shipping, receiving, and performing related radiation surveys;
    - (b) Using and performing checks for proper operation of dose calibrators, survey meters, and, if appropriate, instruments used to measure alpha-emitting or beta-emitting radionuclides;
    - (c) Calculating, assaying, and safely preparing dosages for patients or human research subjects;
    - (d) Using administrative controls to avoid mistakes in the administration of radioactive material; and
    - (e) Using procedures to prevent or minimize contamination and using proper decontamination procedures; and

- b. Has obtained written certification, signed by a preceptor authorized nuclear pharmacist, that the above training has been satisfactorily completed and that the individual has achieved a level of competency sufficient to independently operate a nuclear pharmacy.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-88. Training for experienced nuclear pharmacists.** A licensee may apply for and must receive a license amendment identifying an experienced nuclear pharmacist as an authorized nuclear pharmacist before it allows this individual to work as an authorized nuclear pharmacist. A pharmacist who has completed a structured educational program as specified in subdivision a of subsection 2 of section 33-10-07.1-87 (training for an authorized nuclear pharmacist) before December 2, 1994, and who is working in a nuclear pharmacy would qualify as an experienced nuclear pharmacist. An experienced nuclear pharmacist need not comply with the requirements for a preceptor statement (subdivision b of subsection 2 of section 33-10-07.1-87) and recentness of training (section 33-10-07.1-24) to qualify as an authorized nuclear pharmacist.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-89. Other medical uses of radioactive material or radiation from radioactive material.** A licensee may use radioactive material or a radiation source approved for medical use which is not specifically addressed in sections 33-10-07.1-35 through 33-10-07.1-75 if:

1. The applicant or licensee has submitted the information required by subsections 2 through 4 of section 33-10-07.1-08 (application for license, amendment, or renewal); and
2. The applicant or licensee has received written approval from the department in a license or license amendment and uses the material in accordance with the rules and specific conditions the department considers necessary for the medical use of the material.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-90. Records of authority and responsibilities for radiation protection programs.**

1. A licensee shall retain a record of actions taken by the licensee's management in accordance with subsection 1 of section 33-10-07.1-14

(authority and responsibilities for the radiation protection program) for five years. The record must include a summary of the actions taken and a signature of licensee management.

2. The licensee shall retain a copy of both authority, duties, and responsibilities of the radiation safety officer as required by subsection 5 of section 33-10-07.1-14 (authority and responsibilities for the radiation protection program), and a signed copy of each radiation safety officer's agreement to be responsible for implementing the radiation safety program, as required by subsection 2 of section 33-10-07.1-14 (authority and responsibilities for the radiation protection program), for the duration of the license. The records must include the signature of the radiation safety officer and licensee management.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-91. Records of radiation protection program changes.** A licensee shall retain a record of each radiation protection program change made in accordance with subsection 1 of section 33-10-07.1-15 (radiation protection program changes) for five years. The record must include a copy of the old and new procedures; the effective date of the change; and the signature of the licensee management that reviewed and approved the change.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-92. Records of written directives.** A licensee shall retain a copy of each written directive as required by section 33-10-07.1-17 (written directives) for three years.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-93. Records for procedures for administrations requiring a written directive.** A licensee shall retain a copy of the procedures required by subsection 1 of section 33-10-07.1-18 (procedures for administrations requiring a written directive) for the duration of the license.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-94. Records of calibrations of instruments used to measure the activity of unsealed radioactive material.** A licensee shall maintain a record of instrument calibrations required by section 33-10-07.1-25 (possession, use,

and calibration of instruments used to measure the activity of unsealed radioactive material) for three years. The records must include the model and serial number of the instrument, the date of the calibration, the results of the calibration, and the name of the individual who performed the calibration.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-95. Records of radiation survey instrument calibrations.** A licensee shall maintain a record of radiation survey instrument calibrations required by section 33-10-07.1-26 (calibration of survey instruments) for three years. The record must include the model and serial number of the instrument, the date of the calibration, the results of the calibration, and the name of the individual who performed the calibration.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-96. Records of dosages of unsealed radioactive material for medical use.**

1. A licensee shall maintain a record of dosage determinations required by section 33-10-07.1-27 (determination of dosages of unsealed radioactive material for medical use) for three years.
2. The record must contain:
  - a. The radiopharmaceutical;
  - b. The patient's or human research subject's name, or identification number if one has been assigned;
  - c. The prescribed dosage, the determined dosage, or a notation that the total activity is less than one thousand one hundred kilobecquerels [30 microcuries];
  - d. The date and time of the dosage determination; and
  - e. The name of the individual who determined the dosage.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-97. Records of leak tests and inventory of sealed sources and brachytherapy sources.**

1. A licensee shall retain records of leak tests required by subsection 2 of section 33-10-07.1-29 (requirements for possession of sealed sources and brachytherapy sources) for three years. The records must include the model number, and serial number if one has been assigned, of each source tested; the identity of each source by radionuclide and its estimated activity; the results of the test; the date of the test; and the name of the individual who performed the test.
2. A licensee shall retain records of the semiannual physical inventory of sealed sources and brachytherapy sources required by subsection 7 of section 33-10-07.1-29 (requirements for possession of sealed sources and brachytherapy sources) for three years. The inventory records must contain the model number of each source, and serial number if one has been assigned, the identity of each source by radionuclide and its nominal activity, the location of each source, and the name of the individual who performed the inventory.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-98. Records of surveys for ambient radiation exposure rate.**

A licensee shall retain a record of each survey required by section 33-10-07.1-31 (surveys of ambient radiation exposure rate) for three years. The record must include the date of the survey, the results of the survey, the instrument used to make the survey, and the name of the individual who performed the survey.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-99. Records of the release of individuals containing unsealed radioactive material or implants containing radioactive material.**

1. A licensee shall retain a record of the basis for authorizing the release of an individual in accordance with section 33-10-07.1-32 (release of individuals containing unsealed radioactive material or implants containing radioactive material), if the total effective dose equivalent is calculated by:
  - a. Using the retained activity rather than the activity administered;
  - b. Using an occupancy factor less than twenty-five hundredths at one meter;
  - c. Using the biological or effective half-life; or



- d. Considering the shielding by tissue.
2. A licensee shall retain a record that the instructions required by subsection 2 of section 33-10-07.1-32 (release of individuals containing unsealed radioactive material or implants containing radioactive material) were provided to a breast-feeding female if the radiation dose to the infant or child from continued breast-feeding could result in a total effective dose equivalent exceeding five millisieverts [500 millirems].
3. The records required by subsections 1 and 2 must be retained for three years after the date of release of the individual.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

#### **33-10-07.1-100. Records of mobile medical services.**

1. A licensee shall retain a copy of each letter that permits the use of radioactive material at a client's address, as required by subdivision a of subsection 1 of section 33-10-07.1-33 (provision of mobile medical service). Each letter must clearly delineate the authority and responsibility of the licensee and the client and must be retained for three years after the last provision of service.
2. A licensee shall retain the record of each survey required by subdivision d of subsection 1 of section 33-10-07.1-33 (provision of mobile medical service) for three years. The record must include the date of the survey, the results of the survey, the instrument used to make the survey, and the name of the individual who performed the survey.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-101. Records of decay-in-storage.** A licensee shall maintain records of the disposal of licensed materials, as required by section 33-10-07.1-34 (decay-in-storage), for three years. The record must include the date of the disposal, the survey instrument used, the background radiation level, the radiation level measured at the surface of each waste container, and the name of the individual who performed the survey.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-102. Records of molybdenum-99 concentrations.** A licensee shall maintain a record of the molybdenum-99 concentration tests required by subsection 2 of section 33-10-07.1-38 (permissible molybdenum-99 concentrations) for three years. The record must include, for each measured elution of technetium-99m, the ratio of the measures expressed as kilobecquerel of molybdenum-99 per megabecquerel of technetium-99m (or microcuries of molybdenum per millicurie of technetium), the time and date of the measurement, and the name of the individual who made the measurement.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-103. Records of aluminum ion concentrations.** A licensee shall maintain a record of the aluminum ion concentration tests required by section 33-10-07.1-39 (permissible aluminum ion concentrations) for three years.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-104. Records of safety instruction.** A licensee shall maintain a record of safety instructions required by sections 33-10-07.1-42 (safety instruction for the use of unsealed radioactive material for which a written directive is required), 33-10-07.1-50 (safety instruction for the use of sources for manual brachytherapy), and 33-10-07.1-62 (safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units) for three years. The record must include a list of the topics covered, the date of the instruction, the name of each attendee, and the name of each individual who provided the instruction.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-105. Records of surveys after source implant and removal.** A licensee shall maintain a record of the surveys required by sections 33-10-07.1-48 (surveys after source implant and removal) and 33-10-07.1-60 (surveys of patients and human research subjects treated with a remote afterloader unit) for three years. Each record must include the date and results of the survey, the survey instrument used, and the name of the individual who made the survey.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-106. Records of brachytherapy source accountability.**

1. A licensee shall maintain a record of brachytherapy source accountability required by section 33-10-07.1-49 (brachytherapy sources accountability) for three years.
2. For temporary implants, the record must include:
  - a. The number and activity of sources removed from storage, the time and date they were removed from storage, the name of the individual who removed them from storage, and the location of use; and
  - b. The number and activity of sources returned to storage, the time and date they were returned to storage, and the name of the individual who returned them to storage.
3. For permanent implants, the record must include:
  - a. The number and activity of sources removed from storage, the date they were removed from storage, and the name of the individual who removed them from storage;
  - b. The number and activity of sources not implanted, the date they were returned to storage, and the name of the individual who returned them to storage; and
  - c. The number and activity of sources permanently implanted in the patient or human research subject.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-107. Records of calibration measurements of brachytherapy sources.**

1. A licensee shall maintain a record of the calibrations of brachytherapy sources required by section 33-10-07.1-52 (calibration measurements of brachytherapy sources) for three years after the last use of the source.
2. The record must include:
  - a. The date of the calibration;
  - b. The manufacturer's name, model number, and serial number for the source and the instruments used to calibrate the source;

- c. The source output or activity;
- d. The source positioning accuracy within the applicators; and
- e. The signature of the authorized medical physicist.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-108. Records of decay of strontium-90 sources for ophthalmic treatments.**

1. A licensee shall maintain a record of the activity of a strontium-90 source required by section 33-10-07.1-53 (decay of strontium-90 sources for ophthalmic treatments) for the life of the source.
2. The record must include:
  - a. The date and initial activity of the source as determined under section 33-10-07.1-52 (calibration measurements of brachytherapy sources); and
  - b. For each decay calculation, the date and the source activity as determined under section 33-10-07.1-53 (decay of strontium-90 sources for ophthalmic treatments).

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-109. Records of installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units.** A licensee shall retain a record of the installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units as required by section 33-10-07.1-61 (installation, maintenance, adjustment, and repair) for three years. For each installation, maintenance, adjustment, and repair, the record must include the date, description of the service, and the name of each individual who performed the work.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-110. Records of safety procedures.** A licensee shall retain a copy of the procedures required by subdivision d of subsection 1 of section 33-10-07.1-62 (safety procedures and instructions for remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units) and subdivision b of

subsection 4 of section 33-10-07.1-62 until the licensee no longer possesses the remote afterloader, teletherapy unit, or gamma stereotactic radiosurgery unit.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-111. Records of dosimetry equipment used with remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units.**

1. A licensee shall retain a record of the calibration, intercomparison, and comparisons of its dosimetry equipment done in accordance with section 33-10-07.1-64 (dosimetry equipment) for the duration of the license.
2. For each calibration, intercomparison, or comparison, the record must include:
  - a. The date;
  - b. The manufacturer's name, model numbers, and serial numbers of the instruments that were calibrated, intercompared, or compared as required by subsections 1 and 2 of section 33-10-07.1-64 (dosimetry equipment);
  - c. The correction factor that was determined from the calibration or comparison or the apparent correction factor that was determined from an intercomparison; and
  - d. The names of the individuals who performed the calibration, intercomparison, or comparison.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-112. Records of teletherapy, remote afterloader, and gamma stereotactic radiosurgery full calibrations.**

1. A licensee shall maintain a record of the teletherapy unit, remote afterloader unit, and gamma stereotactic radiosurgery unit full calibrations required by sections 33-10-07.1-65 (full calibration measurements on teletherapy units), 33-10-07.1-66 (full calibration measurements on remote afterloader units), and 33-10-07.1-67 (full calibration measurements on gamma stereotactic radiosurgery units) for three years.
2. The record must include:

- a. The date of the calibration;
- b. The manufacturer's name, model number, and serial number of the teletherapy, remote afterloader, and gamma stereotactic radiosurgery unit, the source, and the instruments used to calibrate the unit;
- c. The results and an assessment of the full calibrations;
- d. The results of the autoradiograph required for low dose-rate remote afterloader units; and
- e. The signature of the authorized medical physicist who performed the full calibration.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

### **33-10-07.1-113. Records of periodic spot checks for teletherapy units.**

- 1. A licensee shall retain a record of each periodic spot check for teletherapy units required by section 33-10-07.1-68 (periodic spot checks for teletherapy units) for three years.
- 2. The record must include:
  - a. The date of the spot check;
  - b. The manufacturer's name, model number, and serial number of the teletherapy unit, source, and instrument used to measure the output of the teletherapy unit;
  - c. An assessment of timer linearity and constancy;
  - d. The calculated on-off error;
  - e. A determination of the coincidence of the radiation field and the field indicated by the light beam localizing device;
  - f. The determined accuracy of each distance measuring and localization device;
  - g. The difference between the anticipated output and the measured output;

- h. Notations indicating the operability of each entrance door electrical interlock, each electrical or mechanical stop, each source exposure indicator light, and the viewing and intercom system and doors; and
  - i. The name of the individual who performed the periodic spot check and the signature of the authorized medical physicist who reviewed the record of the spot check.
- 3. A licensee shall retain a copy of the procedures required by subsection 2 of section 33-10-07.1-68 (periodic spot checks for teletherapy units) until the licensee no longer possesses the teletherapy unit.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-114. Records of periodic spot checks for remote afterloader units.**

- 1. A licensee shall retain a record of each spot check for remote afterloader units required by section 33-10-07.1-69 (periodic spot checks for remote afterloader units) for three years.
- 2. The record must include, as applicable:
  - a. The date of the spot check;
  - b. The manufacturer's name, model number, and serial number for the remote afterloader unit and source;
  - c. An assessment of timer accuracy;
  - d. Notations indicating the operability of each entrance door electrical interlock, radiation monitors, source exposure indicator lights, viewing and intercom systems, and clock and decayed source activity in the unit's computer; and
  - e. The name of the individual who performed the periodic spot check and the signature of the authorized medical physicist who reviewed the record of the spot check.
- 3. A licensee shall retain a copy of the procedures required by subsection 2 of section 33-10-07.1-69 (periodic spot checks for remote afterloader units) until the licensee no longer possesses the remote afterloader unit.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-115. Records of periodic spot checks for gamma stereotactic radiosurgery units.**

1. A licensee shall retain a record of each spot check for gamma stereotactic radiosurgery units required by section 33-10-07.1-70 (periodic spot checks for gamma stereotactic radiosurgery units) for three years.
2. The record must include:
  - a. The date of the spot check;
  - b. The manufacturer's name, model number, and serial number for the gamma stereotactic radiosurgery unit and the instrument used to measure the output of the unit;
  - c. An assessment of timer linearity and accuracy;
  - d. The calculated on-off error;
  - e. A determination of trunnion centricity;
  - f. The difference between the anticipated output and the measured output;
  - g. An assessment of source output against computer calculations;
  - h. Notations indicating the operability of radiation monitors, helmet microswitches, emergency timing circuits, emergency off buttons, electrical interlocks, source exposure indicator lights, viewing and intercom systems, timer termination, treatment table retraction mechanism, and stereotactic frames and localizing devices (trunnions); and
  - i. The name of the individual who performed the periodic spot check and the signature of the authorized medical physicist who reviewed the record of the spot check.
3. A licensee shall retain a copy of the procedures required by subsection 2 of section 33-10-07.1-70 (periodic spot checks for gamma stereotactic radiosurgery units) until the licensee no longer possesses the gamma stereotactic radiosurgery unit.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04



**33-10-07.1-116. Records of additional technical requirements for mobile remote afterloader units.**

1. A licensee shall retain a record of each spot check for mobile remote afterloader units required by section 33-10-07.1-71 (additional technical requirements for mobile remote afterloader units) for three years.
2. The record must include:
  - a. The date of the spot check;
  - b. The manufacturer's name, model number, and serial number of the remote afterloader unit;
  - c. Notations accounting for all sources before the licensee departs from a facility;
  - d. Notations indicating the operability of each entrance door electrical interlock, radiation monitors, source exposure indicator lights, viewing and intercom system, applicators, source transfer tubes, and transfer tube applicator interfaces, and source positioning accuracy; and
  - e. The signature of the individual who performed the spot check.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-117. Records of surveys of therapeutic treatment units.**

1. A licensee shall maintain a record of radiation surveys of treatment units made in accordance with section 33-10-07.1-72 (radiation surveys) for the duration of use of the unit.
2. The record must include:
  - a. The date of the measurements;
  - b. The manufacturer's name, model number and serial number of the treatment unit, source, and instrument used to measure radiation levels;
  - c. Each dose rate measured around the source while the unit is in the off position and the average of all measurements; and

- d. The signature of the individual who performed the test.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-118. Records of five-year inspection for teletherapy and gamma stereotactic radiosurgery units.**

1. A licensee shall maintain a record of the five-year inspections for teletherapy and gamma stereotactic radiosurgery units required by section 33-10-07.1-73 (five-year inspection for teletherapy and gamma stereotactic radiosurgery units) for the duration of use of the unit.
2. The record must contain:
  - a. The inspector's radioactive materials license number;
  - b. The date of inspection;
  - c. The manufacturer's name and model number and serial number of both the treatment unit and source;
  - d. A list of components inspected and serviced, and the type of service; and
  - e. The signature of the inspector.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-119. Report and notification of a medical event.**

1. A licensee shall report any event, except for an event that results from patient intervention, in which the administration of radioactive material or radiation from radioactive material results in:
  - a. A dose that differs from the prescribed dose or dose that would have resulted from the prescribed dosage by more than fifty millisieverts [5 rems] effective dose equivalent, five hundred millisieverts [50 rems] to an organ or tissue, or five hundred millisieverts [50 rems] shallow dose equivalent to the skin; and
    - (1) The total dose delivered differs from the prescribed dose by twenty percent or more;

- (2) The total dosage delivered differs from the prescribed dosage by twenty percent or more or falls outside the prescribed dosage range; or
    - (3) The fractionated dose delivered differs from the prescribed dose, for a single fraction, by fifty percent or more.
  - b. A dose that exceeds fifty millisieverts [5 rems] effective dose equivalent, five hundred millisieverts [50 rems] to an organ or tissue, or five hundred millisieverts [50 rems] shallow dose equivalent to the skin from any of the following:
    - (1) An administration of a wrong radioactive drug containing radioactive material;
    - (2) An administration of a radioactive drug containing radioactive material by the wrong route of administration;
    - (3) An administration of a dose or dosage to the wrong individual or human research subject;
    - (4) An administration of a dose or dosage delivered by the wrong mode of treatment; or
    - (5) A leaking sealed source.
  - c. A dose to the skin or an organ or tissue other than the treatment site that exceeds by five hundred millisieverts [50 rems] to an organ or tissue and fifty percent or more of the dose expected from the administration defined in the written directive (excluding, for permanent implants, seeds that were implanted in the correct site but migrated outside the treatment site).
- 2. A licensee shall report any event resulting from intervention of a patient or human research subject in which the administration of radioactive material or radiation from radioactive material results or will result in unintended permanent functional damage to an organ or a physiological system, as determined by a physician.
- 3. The licensee shall notify the department by telephone no later than the next calendar day after discovery of the medical event.
- 4. The licensee shall submit a written report to the department within fifteen days after discovery of the medical event.
  - a. The written report must include:
    - (1) The licensee's name;

- (2) The name of the prescribing physician;
    - (3) A brief description of the event;
    - (4) Why the event occurred;
    - (5) The effect, if any, on each individual who received the administration;
    - (6) What actions, if any, have been taken or are planned to prevent recurrence; and
    - (7) Certification that the licensee notified the individual (or the individual's responsible relative or guardian), and if not, why not.
  - b. The report may not contain the individual's name or any other information that could lead to identification of the individual.
5. The licensee shall provide notification of the event to the referring physician and also notify the individual who is the subject of the medical event no later than twenty-four hours after its discovery, unless the referring physician personally informs the licensee either that he or she will inform the individual or that, based on medical judgment, telling the individual would be harmful. The licensee is not required to notify the individual without first consulting the referring physician. If the referring physician or the affected individual cannot be reached within twenty-four hours, the licensee shall notify the individual as soon as possible thereafter. The licensee may not delay any appropriate medical care for the individual, including any necessary remedial care as a result of the medical event, because of any delay in notification. To meet the requirements of this subsection, the notification of the individual who is the subject of the medical event may be made instead to that individual's responsible relative or guardian. If a verbal notification is made, the licensee shall inform the individual, or appropriate responsible relative or guardian, that a written description of the event can be obtained from the licensee upon request. The licensee shall provide such a written description if requested.
6. Aside from the notification requirement, nothing in this section affects any rights or duties of licensees and physicians in relation to each other, to individuals affected by the medical event, or to that individual's responsible relatives or guardians.
7. A licensee shall:
- a. Annotate a copy of the report provided to the department with the:
    - (1) Name of the individual who is the subject of the event; and

- (2) Social security number or other identification number, if one has been assigned, of the individual who is the subject of the event; and
- b. Provide a copy of the annotated report to the referring physician, if other than the licensee, no later than fifteen days after the discovery of the event.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-120. Report and notification of a dose to an embryo, a fetus, or a nursing child.**

1. A licensee shall report any dose to an embryo or a fetus that is greater than fifty millisieverts [5 rems] dose equivalent that is a result of an administration of radioactive material or radiation from radioactive material to a pregnant individual unless the dose to the embryo or fetus was specifically approved, in advance, by the authorized user.
2. A licensee shall report any dose to a nursing child that is a result of an administration of radioactive material to a breast-feeding individual that:
  - a. Is greater than fifty millisieverts [5 rems] total effective dose equivalent; or
  - b. Has resulted in unintended permanent functional damage to an organ or a physiological system of the child, as determined by a physician.
3. The licensee shall notify the department by telephone no later than the next calendar day after discovery of a dose to the embryo or fetus or nursing child that requires a report in subsection 1 or 2.
4. The licensee shall submit a written report to the department within fifteen days after discovery of a dose to the embryo or fetus or nursing child that requires a report in subsection 1 or 2.
  - a. The written report must include:
    - (1) The licensee's name;
    - (2) The name of the prescribing physician;
    - (3) A brief description of the event;
    - (4) Why the event occurred;

- (5) The effect, if any, on the embryo or fetus or the nursing child;
    - (6) What actions, if any, have been taken or are planned to prevent recurrence; and
    - (7) Certification that the licensee notified the pregnant individual or mother (or the mother's or child's responsible relative or guardian), and if not, why not.
  - b. The report must not contain the individual's or child's name or any other information that could lead to identification of the individual or child.
- 5. The licensee shall provide notification of the event to the referring physician and also notify the pregnant individual or mother, both hereafter referred to as the mother, no later than twenty-four hours after discovery of an event that would require reporting under subsection 1 or 2, unless the referring physician personally informs the licensee either that he or she will inform the mother or that, based on medical judgment, telling the mother would be harmful. The licensee is not required to notify the mother without first consulting with the referring physician. If the referring physician or mother cannot be reached within twenty-four hours, the licensee shall make the appropriate notifications as soon as possible thereafter. The licensee may not delay any appropriate medical care for the embryo or fetus or for the nursing child, including any necessary remedial care as a result of the event, because of any delay in notification. To meet the requirements of this subsection, the notification may be made to the mother's or child's responsible relative or guardian instead of the mother. If a verbal notification is made, the licensee shall inform the mother, or the mother's or child's responsible relative or guardian, that a written description of the event can be obtained from the licensee upon request. The licensee shall provide such a written description if requested.
- 6. A licensee shall:
  - a. Annotate a copy of the report provided to the department with the:
    - (1) Name of the pregnant individual or the nursing child who is the subject of the event; and
    - (2) Social security number or other identification number, if one has been assigned, of the pregnant individual or the nursing child who is the subject of the event; and

- b. Provide a copy of the annotated report to the referring physician, if other than the licensee, no later than fifteen days after the discovery of the event.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04

**33-10-07.1-121. Report of a leaking source.** A licensee shall file a report within five days if a leak test required by section 33-10-07.1-29 (requirements for possession of sealed sources and brachytherapy sources) reveals the presence of one hundred eighty-five becquerels [.005 microcurie] or more of removable contamination. The report must be filed with the department. The written report must include the model number and serial number if assigned, of the leaking source; the radionuclide and its estimated activity; the results of the test; the date of the test; and the action taken.

**History:** Effective March 1, 2003.

**General Authority:** NDCC 23-20.1-04

**Law Implemented:** NDCC 23-20.1-03, 23-20.1-04